

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, January 6, 2021. Chrnm 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. Chrnm 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, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

Chrnm 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 16, 2020, regular meeting were 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 George Foukas. There were no other nominations. Chrnm Zecchino accepted the nomination, and he was unanimously elected as Chairman of the Zoning Board of Adjustment for the calendar year 2021 for a one-year term.

For the position of Vice-Chairman, Comr Louis DeStefano nominated Comr Gerard Scorziello. The motion was seconded by Comr Scott Sochon. 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 2021 for a one-year term.

CONTINUED HEARINGS

- | | |
|-----------|---------------------------------------|
| 1. | LEXINGTON PARTNERS, LLC, |
| Use | 340 Lexington Avenue, Block 8.22, |
| Variance; | Lots 37 and 39 – RB3 – Applicant |
| Variances | requests the following: |
| | 1) A D.6 (Height Use Variance 3 |
| | stories and 35’ Permitted, 4 stories |
| | and 52’ Proposed) is required. |
| | 2) Bulk variance for minimum lot area |
| | per dwelling unit (2178 square feet |
| | required, 456.9’ proposed). |
| | 3) Minimum lot width (100’ required, |
| | 69.97’ proposed). |

- 4) Minimum front yard setback (25' required, 1.34' proposed).
- 5) Minimum rear yard setback (48.5' required, 5.01' proposed).
- 6) Minimum side yard setback (10' required, 5.56' proposed).
- 7) Minimum side yard setback for both side yards (22' required, 11.12' proposed).
- 8) Minimum street side yard setback (15' required, 5.56' proposed).
- 9) Lot coverage (25% permitted, 82.86% proposed).
- 10) Parking spaces (62 spaces required, 36 spaces proposed).
- 11) Off-street parking and loading spaces, parking aisles and maneuvering areas not to be located in any required front yard and within ten feet of a required corner side lot line within 10' of a rear lot line permitted but encroachments into each of said setbacks is proposed which require bulk variances.

This matter was previously continued by the Board to the January 20, 2021, meeting of the Board.

- 2. **MICHAEL PONCE**, 347 Piaget Avenue, Block 18.02, Lot 6 – RB2 – Applicant
Use
Variance;
Variance
proposes raze the existing house and construct a 4 unit residential building. A use variance is required for multi-family within an RB-2 zone. The driveway is proposed within the required right side yard setback. Such other relief as may be required by the Board.

This matter was previously continued by the Board until the February 3, 2021, meeting of the Board.

NEW HEARINGS

- 1. **KENNETH VARGAS**, 272 Urma Avenue, Block 46.12, Lot 14 – RA3 – Applicant
Variances
proposes to expand their existing driveway to allow two cars to park side by side. The following variances are requested:
1) Driveway is proposed 0' from the left side lot line where 5' is required.
2) Right side of driveway is proposed in front of the house by 3' where a driveway is not permitted.

Kenneth Vargas, residing at 272 Urma Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to expand an existing driveway at the subject premises to allow two cars to be parked side-by-side; that parking in the street is very tight; that there are also flooding problems on the street. The applicant further testified that the driveway is proposed 0 feet from the left side lot line where 5 feet is required, and the right side of the driveway is proposed in front of the house by 3 feet where a driveway is not permitted.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that there be a barrier installed by the applicant approved by the Zoning Officer in front of the house where a driveway is not permitted. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.

2. **SUSAN STEMPLER**, 15 Nugent Drive,
Variance Block 69.01, Lot 1.01 – RA1 -- Variance
requested for a six foot high fence along
the cemetery where a 4' high, 50% open
fence is permitted.

Susan Stempler and her husband, Mark Stempler, were present and affirmed to give testimony. There were no objectors.

The applicant testified that she requests variance approval for a 6-foot-high solid fence along the cemetery where a 4-foot-high 50% open fence is permitted; that the fence would enhance and increase the pleasant appearance of Nugent Drive.

Chrmn Zecchino suggested that a 5-foot-high solid fence with a 1-foot-high lattice on top is more acceptable to the Board instead of a 6-foot-high solid fence. The applicant stipulated that she would accept this stipulation.

After a review of the testimony, Comr Michael Molner moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the fence be a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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. **DOV KREITZMAN**, 354 Rutherford Blvd.,
Variance Block 58.07, Lot 25 – RA3 – Applicant
proposes to create office space within the
existing attached garage. The garage door
will remain and the first 7.4’ of the garage
will become storage space with the office
behind. A variance is required for a
driveway in front of the home not serving a
garage.

Dov Kreitzman, residing at 354 Rutherford Boulevard, Clifton, New Jersey, along with his spouse, were present and affirmed to give testimony. There were no objectors.

The applicant testified that he requests variance approval to create office space within the existing attached garage; that the garage door will remain, and the first 7.4 feet of the garage will become storage space with the office behind the storage space; that a variance is required for a driveway in front of a home not serving a garage.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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. **ALI MUSA**, 7 East 2nd Street, Block 5.15,
Use Lot 14 – RB-1 – Applicant proposes to
Variance; rebuild existing third floor apartment and
Variances reframe the roof to create better space
within the existing apartment. The
following variances are requested:
1) Use variance for the expansion of an
existing, non-conforming use. (three
family within an RB-1 zone. One and
two families permitted)
2) Right side yard at 2.92’ where 12’ is
required.
3) Combined side yards is 16’ where 24’
is required.
4) Front yard proposed at 11.7’ where 25’
is required.
5) Existing, nonconforming lot area and
width.

Ali Musa, residing at 11 Lennon Place, Clifton, New Jersey, was present and sworn. Present and sworn on behalf of the applicant was Pietro Rosato, an architect, with offices at 1751 2nd Avenue, New York, New York. There were no objectors.

The applicant testified that he requests variance approval to rebuild the existing third floor apartment and reframe the roof to create better space within the existing apartment; that a use variance is requested for expansion of an existing, non-conforming use, i.e. a

three-family within an RB1 zone which permits one- and two-family dwellings; that the right side yard setback requirement is 12 feet, and the applicant is proposing 2.92 feet; that the combined side yard setback requirement is 24 feet, and the applicant is proposing 15 feet; that the front yard setback requirement is 25 feet, and the applicant is proposing 11.7 feet; that the existing lot is non-conforming in lot area and lot width.

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 Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.

5. **AVDI KRASNIQI**, 173 Clinton Avenue,
Variances Block 21.02, Lot 20 – RB1 – Applicant
proposes to construct a second floor
addition to the front of the home. No new
lot coverage is proposed. Variances are
requested for the following existing
conditions:
1) Front yard at addition proposed at 8.9'
where 25' is required.
2) Left side yard at 5.6' where 6' is required.
3) Right side yard at 2.2' where 6' is
required.
4) Combined side yards at 7.8' where
16' is required.

The applicant, residing at 173 Clinton Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to construct a second floor addition to the front of the dwelling house at the subject premises; that there will be no new lot coverage proposed; that the variances requested are the front yard setback where 25 feet is required, and he is proposing 8.9 feet; that the left side yard setback requirement is 6 feet, and he is proposing 5.6 feet; that the right side yard setback requirement is 6 feet, and the applicant is proposing 2.2 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 7.8 feet.

After a review of the testimony, Comr Scott Sochon 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 Comr Zalman Gurkov. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.

6. **AVROHOM CHEMTOB**, 133 South
Parkway, Block 60.09, Lot 15 – RA3 –
Applicant proposes a rear two-story addition
and second floor over the existing home.
The following variances are requested:
1) Left side yard proposed at 4’5” where
6’ is required.
2) Right side yard proposed at 5’11” where
6’ is required.
3) Combined side yards are 10.3’ where 16’
is required.
4) Lot coverage proposed at 30.1% where 27%
is permitted.

The applicant and his wife, Rochel, residing at 133 South Parkway, Clifton, New Jersey, were present and affirmed to give testimony.

The applicant testified that he proposes a rear two-story addition and second floor over the existing home at the subject premises; that the variances requested are the left side yard setback where 6 feet is required, and the applicant is proposing 4 feet 5 inches; that the right side yard setback requirement is 6 feet, and the applicant is proposing 5 feet 11 inches; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 10.3 feet; that the lot coverage permitted is 27 percent, and the applicant is proposing 30.1 percent; that the proposal will square off the building.

After a review of the testimony, Comr Zalman Gurkov moved to approve 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 Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.

7. **ALCENIA VALDEZ**, 729 Van Houten Ave.,
Block 42.04, Lot 1 – B-C – Applicant proposes
a sit-down “Juice Bar” type restaurant. A
conditional use is required as the existing
building does not meet bulk requirements.
Please note **parking is not required per
Code section 461-13 T. (restaurants under
2000sf.)

The applicant, residing at 735 Van Houten Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Bill Cuello. There were no objectors.

The applicant testified that she proposes a sit-down “Juice Bar” type restaurant at premises located at 729 Van Houten Avenue; that a conditional use variance is required as the existing building does not meet the bulk requirements; that parking is not required pursuant to the Municipal Code Section 461-13 U, restaurants under 2,000 square feet; that the hours of operation will be from 9 A.M. to 7 P.M., seven days a week; that there will be two to three employees.

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 of the variance requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.

8. **QUICKS REALTY LLC,**
Use 802 Van Houten Avenue, Block 36.10,
Variance; Lot 16 – B-C – Application to demolish the
Variances existing former gas station (last used as an
automobile part store) and existing one-family
house and replace them with a new building
housing a delicatessen and parking on the
first floor and yard and a total of eight (8)
apartments on the second and third floors
requiring the following variances and approvals:
1. Site Plan approval is required.
 2. Use Variances required to permit two (2)
principal uses on the same lot and to permit
residential uses on the lot.
 3. Bulk variances required as follows:
 - a. Maximum building height (30' and 2 stories
permitted; 3 stories, 36.2" proposed).
 - b. Side yards each one half the height of the
building (18'1" required; proposed right side
5'.
 - c. Maximum lot coverage 60% permitted; 94.7%
proposed.
 - d. Off street parking or loading spaces or
maneuvering areas shall not be located within
10' of any corner side lot line or within 5' of
any other lot line required; 7.7' parking spaces
proposed for side lot line and 2.5' set back
proposed for rear parking and maneuvering.
 - e. Number of parking spaces required 27 spaces;
20 spaces proposed.
 - f. Insufficient parking lot landscaping proposed.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Gary Kliesch, architect, 36 Ames Avenue, Rutherford, New Jersey; Charles Olivo, engineer, of 92 Park Avenue, Rutherford, New Jersey; and Shady Suliman, owner and operator of delicatessen, 7409 Durham Avenue, North Bergen, New Jersey. Also present and sworn were the following objectors: Christine Witmyer, 800 Van Houten Avenue, Clifton, New Jersey; and Gary Mele, 816 Van Houten Avenue, Clifton, New Jersey.

Mr. Carlet stated that the applicant proposes to demolish the existing former gas station, last used as an automobile part store, and existing one-family house and replace them with a new building housing a delicatessen and parking on the first floor and yard and a total of eight apartments on the second and third floors; that site plan approval is required; that use variances are required to permit two principal uses on the same lot and

to permit residential uses on the lot; that bulk variances are required for maximum building height, 30 feet and 2 stories permitted, 36.2 feet and 3 stories proposed; side yards each one half the height of the building, 18 feet 1 inch required, 5 feet proposed right side; maximum lot coverage permitted is 60 percent, 94.7 percent proposed; off-street parking or loading spaces or maneuvering areas shall not be located within 10 feet of any corner side lot line or within 5 feet of any other lot line required; 7.7 feet parking spaces proposed for side lot line and 2.5 feet setback proposed for rear parking and maneuvering; that the number of parking spaces required is 27 spaces, and 20 spaces are proposed; that there is insufficient parking lot landscaping proposed.

Mr. Kliesch gave testimony as an architect and explained that the applicant proposes to demolish all structures at the site and erect a new building having a delicatessen and parking on the first floor and a total of eight apartments on the second and third floors.

Marked into evidence as “A-1” are architectural plans that Mr. Kliesch reviewed with the Board.

The Board acknowledged that it is in receipt of report of Gregory Associates dated January 4, 2021; and Neglia Engineering Associates dated December 16, 2020.

Mr. Olivo testified as an engineer and testified as to the aerial view of the property which was offered into evidence as “A-2;” that the applicant will provide 20 parking spaces where 27 parking spaces are required; that the parking spaces are proposed at 9- by 18- feet where 9- by 19-feet is required.

Mr. Suliman testified as the owner and operator of the delicatessen; he gave testimony in response to comments raised in the report of Neglia Engineering; that the hours of operation are from 6 A.M. to 12 P.M., seven days a week with two employees; that customers come during the breakfast hour and also the lunch hour.

At this point in the hearing, the matter was continued to the February 3, 2021, 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 Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of JOHAN KAFIL & TSUNGAS PETROLEUM, INC., for site plan, a D(1) use variance, D(6) height variance, and C variances for maximum lot coverage, maximum height of building in stories, number of parking spaces, screening required for uses in business districts, fencing, and rear and side yard parking setback to demolish existing gasoline service station and three family residential structure and construct a 3-story mixed use building with 12 residential units over retail use and parking on the ground floor at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, was adopted. BC

2. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AVRUM FRIEDMAN for front yard setback variance and lot coverage variance to construct a two-story addition to the existing single-family residence at 59 Ravona Street, Block 57.07, Lot 3, was adopted. RA3

3. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SCAFAR CONTRACTING INC. for conditional use variance for indoor storage of contractor's material and equipment at 750 Bloomfield Avenue, Block 49.11, Lot 30, was adopted. M-2

4. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PROGRESSIVE TRAILER REPAIR/MIDAN DIESEL TRUCK REPAIR for use variance for storage and repair of trucks and trailers of others on site at 431 Allwood Road, Block 79.03, Lot 2, was adopted. M-3

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 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: KENNETH VARGAS
for premises known as: 272 Urma Avenue, Block 46.12, Lot 14
be and the same is hereby: GRANTED variances for left side lot line and driveway
proposed in front of the house where not permitted to widen the existing driveway
to allow two cars to park side-by-side.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 to widen the existing driveway to allow two cars to park side-by-side at premises located at 272 Urma Avenue, Block 46.12, Lot 14, 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 approval to expand the existing driveway to allow two cars to park side-by-side;
- b. A variance is requested for the proposed driveway 0 feet from the left side where 5 feet is required;
- c. A variance is required for right side of driveway in front of house by 3 feet where a driveway is not permitted;
- d. The proposal will take cars off the street, and parking is a problem in the neighborhood;
- e. Flooding is a problem in the street, and the proposal will take his vehicles off the street where it floods during heavy rain;
- f. The applicant has agreed to erect a barrier between the driveway and house for safety purposes, which barrier will be approved by the Zoning Officer;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. 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 expand the existing driveway to allow two cars to park side-by-side at premises located at 272 Urma Avenue, Block 46.12, Lot 14, be and the same is hereby approved and the variances for left side yard setback and right side of the proposed driveway is in front of the house where a driveway is not permitted, be and the same are hereby granted subject to such further governmental approvals as may be required by law; **SUBJECT TO THE APPLICANT ERECTING A BARRIER TO BE APPROVED BY THE ZONING OFFICER;** and further 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 GEORGE FOUKAS.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JANUARY 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: SUSAN STEMLER
for premises known as: 15 Nugent Drive, Block 69.01, Lot 1.01
be and the same is hereby: GRANTED variance for a 5-foot-high solid PVC fence
with a 1-foot-high lattice, for a total of 6 feet, along the cemetery line.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 variance approval for a 6-foot-high solid fence along the cemetery at premises located at 15 Nugent Drive, Block 69.01, Lot 1.01, which premises are located in an RA1 zone; and

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

- a. The applicant has stipulated that the fence will be a 5-foot-high solid PVC fence with a 1-foot-high lattice on top, for a total of 6 feet, along the cemetery where a 4-foot-high, 50% open fence is permitted;
- b. The present wooden stockade fence is falling apart and is moldy;
- c. The property borders on King Solomon Cemetery, and the proposed fence will enhance and increase the pleasant appearance of Nugent Drive;
- 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 PVC fence with a 1-foot-high lattice, for a total of 6 feet at premises located at 15 Nugent Drive, Block 69.01, Lot 1.01, be and the same is hereby approved and the variance for fence height and density be and the same are hereby granted subject to such further governmental approvals as may be required by law; **SUBJECT TO THE FENCE BEING A 5-FOOT-HIGH SOLID PVC FENCE WITH A 1-FOOT-HIGH LATTICE ON TOP, FOR A TOTAL OF 6 FEET;** and further 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 MICHAEL MOLNER.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JANUARY 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: DOV KREITZMAN
for premises known as: 354 Rutherford Blvd., Block 58.07, Lot 25
be and the same is hereby: GRANTED variance for driveway in front of home not
serving a garage after conversion of attached garage to home office space in rear
and storage in front.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 approval to create office space and storage space within the existing attached garage and variance for a driveway in front of the home not serving a garage at premises located at 354 Rutherford Boulevard, Block 58.07, Lot 25, 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 to create office space within the existing attached garage. The garage door will remain, and the first 7.4 feet of the garage will become storage space with the office behind;
- b. A variance is required for a driveway in front of the home not serving a garage;
- c. The applicant requests additional space for the home office and storage to accommodate his family;
- 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 convert attached garage to office space and storage space at premises located at 354 Rutherford Boulevard, Block 58.07, Lot 25, be and the same is hereby approved and the variance for driveway in front of home not serving a garage be and the same is hereby granted subject to such further governmental approvals as may be required by law; and further 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 LOUIS DE STEFANO.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner,
Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JANUARY 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: ALI MUSA
for premises known as: 7 East 2nd Street, Block 5.15, Lot 14
be and the same is hereby: GRANTED use variance for expansion of an existing,
non-conforming use and bulk variances for right side yard setback, combined side
yard setback, front yard setback, and existing, non-conforming lot area and width
to rebuild existing third floor apartment and reframe the roof.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 and variance approval as aforesaid to rebuild the existing third floor apartment and reframe the roof at premises located at 7 East 2nd Street, Block 5.15, Lot 14, which premises are located in an RB-1 zone; and

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

- a. The applicant proposes to rebuild the third floor apartment in the three-family dwelling and reframe the roof without changing the bulk and height of the building;
- b. The proposed changes will match and complement the existing architectural style of the neighborhood;
- c. A use variance is required for expansion of an existing, non-conforming use of three-family home within an RB-1 zone where one- and two-family homes are permitted;
- d. Variances are required for right side yard at 2.92 feet where 12 feet is required; combined side yards of 16 feet where 24 feet is required; front yard proposed at 11.7 feet where 25 feet is required; and existing, nonconforming lot area and width;
- e. The applicant intends to upgrade the third floor apartment with new dormers on the back portion to improve the conditions and comfortability of the apartment as well as installing a new and safe roof;
- f. The applicant has satisfied the negative criteria since the application can be granted without causing substantial detriment to the public good and will not substantially impair the intent and purpose of the master plan and zone ordinance;
- g. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- h. 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 rebuild the existing third floor apartment and reframe the roof at premises located at 7 East 2nd Street, Block 5.15, Lot 14, be and the same is hereby approved and the use variance for expansion of an existing, non-conforming use and bulk variances for right side yard, combined side yards, front yard, and existing, nonconforming lot area and width be and the same are hereby granted subject to such further governmental approvals as may be

required by law; and further 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 GEORGE FOUKAS.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JANUARY 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: AVDI KRASNIQI
for premises known as: 173 Clinton Avenue, Block 21.02, Lot 20
be and the same is hereby: GRANTED variances for front yard setback, left side
yard setback, right side yard setback, and combined side yard setback to construct a
second floor addition to the front of the home.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 variance approval as aforesaid to construct a second floor addition to the front of the home at premises located at 173 Clinton Avenue, Block 21.02, Lot 20, 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 applicant proposes to construct a second floor addition to the front of the home, and there will be no new lot coverage;
- b. Bulk variances are required for the following existing conditions: front yard where 25 feet is required and the applicant proposes 8.9 feet; left side yard where 6 feet is required, and the applicant proposes 5.6 feet; right side yard where 6 feet is required and the applicant proposes 2.2 feet; and combined side yards where 16 feet is required and the applicant proposes 7.8 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variances 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 construct a second floor addition to the front of the house at premises located at 173 Clinton Avenue, Block 21.02, Lot 20, be and the same is hereby approved and the bulk variances for front yard, left side yard, right side yard, and combined side yards be and the same are hereby granted subject to such further governmental approvals as may be required by law; and further 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 ZALMAN GURKOV.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JANUARY 6, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AVROHOM CHEMTOB for premises known as: 133 South Parkway, Block 60.09, Lot 15 be and the same is hereby: GRANTED variances for left side yard, right side yard, combined side yards, and lot coverage to erect a rear two-story addition and second floor over the existing home; and for a driveway not serving a garage due to converting existing attached garage to living space.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to erect a rear two-story addition and a second floor over the existing home and convert existing attached garage to living space at premises located at 133 South Parkway, Block 60.09, Lot 15, 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 to erect a rear two-story addition and second floor over the existing single family residence;
- b. The applicant further proposes to convert his existing attached garage to living space—specifically the dining room as shown on the plans;
- c. The applicant further proposes to install bollards as approved by the Zoning Officer for safety purposes;
- d. Variances are requested for left side yard where 6 feet is required and 4.5 feet is proposed; right side yard where 6 feet is required and 5.11 feet is proposed; combined side yards where 16 feet is required and 10.3 feet is proposed; and lot coverage where 27 percent is permitted and 30.1 percent is proposed;
- e. A variance is requested for a driveway not serving a garage due to the conversion of the attached garage to living space;
- f. The applicant requires additional living space, and the proposal will square off the building;
- g. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- h. 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 rear two-story addition and second floor over the existing home and convert existing attached garage to living space at premises located at 133 South Parkway, Block 60.09, Lot 15, be and the same is hereby approved and the bulk variances for left side yard, right side yard, combined side yards, and lot coverage and variance for driveway not serving a garage be and the same are hereby granted subject to such further governmental approvals as may be required by law; and further **SUBJECT TO THE FOLLOWING:**

A. SUBJECT TO THE APPLICANT INSTALLING BOLLARDS AS APPROVED BY THE ZONING OFFICER; and further 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 ZALMAN GURKOV.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

(revised 2/23/21 as per the record)

MEETING OF JANUARY 6, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: ALCENIA VALDEZ
for premises known as: 729 Van Houten Avenue, Block 42.04, Lot 1
be and the same is hereby: GRANTED conditional use variance for a sit-down
“Juice Bar” type restaurant less than 2,000 square feet.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 6, 2021. Said testimony along with the application and 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 conditional use variance to operate a sit-down “Juice Bar” type restaurant at premises located at 729 Van Houten Avenue, Block 42.04, Lot 1, 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 applicant proposes a sit-down “Juice Bar” type restaurant;
- b. A conditional use is required as the existing building does not meet the bulk requirements;
- c. Parking is not required under Clifton Municipal Code Section 461-13 U, restaurants under 2,000 square feet;
- d. The hours of operation will be from 9 A.M. to 7 P.M., seven days a week with two or three employees;
- e. The applicant has satisfied the negative criteria since the application can be granted without causing substantial detriment to the public good and will not substantially impair the intent and purpose of the master plan and zone ordinance;
- 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 to conduct a sit-down “Juice Bar” type restaurant at premises located at 729 Van Houten Avenue, Block 42.04, Lot 1, be and the same is hereby approved and the conditional use variance for existing building that does not meet bulk requirements be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED**; and further 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 MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.