

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, March 3, 2021. 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 GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS DANIEL TRENK.

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

Upon motion made by Comr Scott Sochon, seconded by Comr Louis DeStefano, the Minutes of the February 17, 2021, regular meeting were adopted with the unanimous approval of the entire Board.

### **CONTINUED HEARINGS**

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| 1.<br>Use<br>Variance;<br>Variances | <b>LEXINGTON PARTNERS, LLC,</b><br>340 Lexington Avenue, Block 8.22,<br>Lots 37 and 39 – RB3 – Applicant<br>requests the following:<br>1) A D.6 (Height Use Variance 3<br>stories and 35' Permitted, 4 stories<br>and 48' Proposed) is required.<br>2) Bulk variance for minimum lot area<br>per dwelling unit (2178 square feet<br>required, 558' proposed).<br>3) Minimum lot width (100' required,<br>69.97' proposed).<br>4) Minimum front yard setback (25'<br>required, 1.34' proposed).<br>5) Minimum rear yard setback (48.5'<br>required, 5.01' proposed).<br>6) Minimum side yard setback (10'<br>required, 5.56' proposed).<br>7) Minimum side yard setback for<br>both side yards (22' required, 11.12'<br>proposed).<br>8) Minimum street side yard setback<br>(15' required, 5.56' proposed).<br>9) Lot coverage (25% permitted, 82.86%<br>proposed).<br>10) Parking spaces (56 spaces required,<br>42 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, high pressure sodium site lighting fixtures required but no longer manufactured. Therefore, the Applicant proposes fluorescent fixtures similar in size, shape and lighting quality to that which is required and all off street parking areas having 10,000 or more square feet of paved area shall provide landscaping for the interior parking lot areas at a minimum of 20 square feet of interior lot landscaping for each parking space with a minimum landscape dimension of 5’x5’ which the applicant does not provide and for which it seeks a variance.  
NOTE: AMENDED NOTICE-CHANGES UNDERLINED.

This matter was previously continued by the Board until the April 7, 2021, meeting of the Board.

2.  
Use  
Variance;  
Variance

**MICHAEL PONCE**, 347 Piaget Avenue, Block 18.02, Lot 6 – RB2 – Applicant 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 continued by the Board until the March 17, 2021, meeting of the Board at the request of the attorney for the applicant.

3.  
Use  
Variance;  
Variances

**QUICKS REALTY LLC**, 802 Van Houten Avenue, Block 36.10, Lot 16 – B-C – Application 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 (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.
- (NOTE: PLANS ARE REVISED)**

This matter was previously continued by the Board to the March 17, 2021, meeting of the Board.

4. **JOHN PILKIN, MOHAMMAD TAMMOUS, AND SOPHIA DALIA**, 203 & 207 Lakeview Ave., Block 2.12, Lots 48 and 49 – B-C – Use Variance; Variances  
 Use variance to remedy the significant encroachment of the improvement on 207 Lakeview Avenue onto 203 Lakeview Avenue. In addition, the following bulk variances are required:

| Requirement         | Existing (Lot 48) | Existing (Lot 49) | Proposed (Lot 48.01) | Proposed (Lot 49.01) |
|---------------------|-------------------|-------------------|----------------------|----------------------|
| Lot Width 50        | 39.21**           | 65.10             | 26.19**              | 78.12                |
| Min.Frt Yard 5      | 5.10              | 0.47**            | 5.10                 | 0.47*                |
| Side yard (1) 7.5   | 2.60**            | 0.00**            | 1.04*                | 2.01*                |
| Side yard (both) 15 | 2.60**            | 27.80             | 3.64*                | 29.81                |

\*\*Pre-Existing  
 \*Variance

Michael P. DeMarco, Esq., with offices at 912 Belmont Avenue, North Haledon, New Jersey, appeared on behalf of the applicant. Present and sworn was Steven L. Koestner, PE, LS, of PO Box 514, Hackensack, New Jersey, a land surveyor. There were no objectors.

Mr. DeMarco stated that the applicant requests subdivision approval to remedy a significant encroachment of the improvement on property located at 207 Lakeview Avenue onto 203 Lakeview Avenue.

Mr. Koestner testified that the applicant proposes to relocate the existing lot line delineating the boundaries between Lots 48 and 49; that the proposed Lot 49.01 will consist of a portion of Lot 48 and will be increased in size to an area of 8,048 square feet or 0.184 acres; that the proposed Lot 48.01 will be decreased in size to an area of 2,769 square feet, or 0.063 acres.

The Board is in receipt of a report of Neglia Engineering Associates dated January 7, 2021.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the minor subdivision and the bulk variances. 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.

5.  
Use  
Variance
- BEN AND SARAH COHEN**, 150 South Parkway, Block 60.04, Lot 2 – RA3 – Applicant proposes to build a rear entrance to the basement. There is an existing, permitted two fixture “powder room” in the basement. A use variance is required for a basement “powder room” with a direct access to the exterior.

This matter was previously continued by the Board until the March 17, 2021, meeting of the Board.

**NEW HEARINGS**

1.  
Variances
- DANIEL MAYER**, 33 Belmont Ave., Block 70.03, Lot 21 – RA3 – Applicant proposes to build a second floor addition. The following variances are requested:  
1) Front yard setback proposed at 25.2’ where 25’ is required (at walkout bay window).  
2) Right side yard is 4.6’ where 6’ is required.  
3) Combined side yards are 9.4’ where 16’ is required.  
4) Lot coverage proposed at 28.8% where 27% is permitted.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 33 Belmont Avenue, Clifton, New Jersey, was present and affirmed to give testimony.

Mr. Peterson stated that the applicant proposes to build a second floor addition to the subject premises; that the applicant requires the following variances: 1) Front yard setback 25 feet required and 25.2 feet proposed; 2) Right side yard setback 6 feet required and 4.6 feet proposed; 3) The combined side yards 16 feet required and 9.4 feet proposed; and 4) Lot coverage 27 percent permitted and 28.8 percent proposed.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the addition along with the variances. 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. **GUIDO PAPA**, 20 Lincoln Avenue,  
Variance Block 18.12, Lot 16 – RA3 – A  
variance is requested for a back yard  
fence. Proposed is a 6’ high, solid  
fence in the rear yard where a 5’ high  
fence is permitted. A 6’ high, solid  
fence is also proposed partially along  
both sides of the house where a 4’ high,  
50% open fence is permitted.

The applicant, Guido Papa, residing at 20 Lincoln Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a back yard fence; that the applicant proposes a 6-foot-high solid fence in the rear where a 5-foot-high fence is permitted and also a 6-foot-high solid fence is also proposed partially along the sides of the house where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is to provide privacy.

There was some discussion as to the height of the fence, and the applicant stipulated that he would accept a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6-feet-high.

Thereupon, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance as stipulated. 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. **WILL BISHOP**, 44 Sperling Road,  
Variance Block 38.03, Lot 3 – RA3 – Applicant  
proposes to install a 6’ high solid fence  
along the rear of the property abutting  
Van Houten Ave where a 4’ high, 50%  
open fence is permitted.

The applicant, residing at 44 Sperling Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes a 6-foot-high solid fence along the rear of the property abutting Van Houten Avenue where a 4-foot-high, 50% open fence is permitted; that the purpose of the 6-foot-high fence is to provide for privacy and security.

There was discussion concerning a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet. The applicant stipulated that he would accept this condition.

Thereupon, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance as stipulated. 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.  
Use  
Variance;  
Variances

**ERCIHAN OZCAN**, 253 Vernon Ave.,  
Block 5.14, Lot 18 – RB1 – Applicant  
proposes to convert an existing business  
space that was previously used as a daycare  
center to a retail grocery and gift store.  
The property is located in an RB-1 zone  
which permits residential use. A “Use”  
variance is required for mixed use  
(second floor is residential) and for a  
retail store in a residential zone. Bulk  
variances are required, existing parking,  
lot width, area, and building bulks.

The applicant, Ercihan Ozcan, residing at 253 Vernon Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant stated that he requests variance approval to convert an existing business space that was previously used as a day care center to a retail grocery and gift store at the subject premises; that the property is located in an RB1 zone which permits residential uses; that a use variance is required for a mixed use since the second floor is residential and for a retail store in a residential zone.

After a review of the testimony presented by the applicant, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, subject to the stipulation that the store may open 7 days a week from the hours of 10 A.M. to 6 P.M. The motion was seconded by Comr George Foukas. 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. **ATIT D. RAVAL**, 106 Pershing Road,  
Block 40.10, Lot 14 – RA3 – Applicant  
proposes to build a second story addition  
and an enclosed front entry. The following  
variances are requested:
- 1) Front yard proposed at 20.7' where 25' is  
required.
  - 2) Left side yard is 4.48' where 6' minimum  
is required.
  - 3) Right side yard is 5.2' where 6' minimum  
is required.
  - 4) Combined side yards are 9.5' where 16' is  
required.

The applicant, Atit D. Raval, residing at 106 Pershing Road, Clifton, New Jersey, was present and sworn. Also present was Devlak Kumor Raval, the applicant's father.

Vice-Chrmn Gerard Scorziello excused himself from participating in the matter, and Comr George Silva sat in his place and stead.

The applicant testified that he requests variance approval to build a second story addition and an enclosed front entry at the subject premises; that the following variances are requested: 1) Front yard setback required 25 feet, proposed 20.7 feet; 2) Left side yard setback 6 feet required, proposed 4.48 feet; 3) Right side yard setback 6 feet required, proposed 5.2 feet; and 4) Combined side yard setback 16 feet required, 9.5 feet proposed.

After a review of the testimony, Comr Scott Sochon 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 Comr Michael Molner. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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 stated that the Board would act upon the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VINCENT SARACENO for use variance for expansion of a two-story addition to the rear of the building for office use and storage at 1131 Main Avenue, Block 12.11, Lot 10, was adopted. B-C

2. Upon motion made by Comr Louis DeStefano, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAI SAI BABA, LLC for use variance, bulk variance, preliminary and final site plan approval to construct a new mixed-use building consisting of a liquor store on the ground floor and three residential units on the second floor at 1025 Main Avenue, Block 12.26, Lot 19, was adopted. B-C

There being no further business before the Board, Comr George Foukas 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 MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: JOHN PILKIN, MOHAMMAD TAMMOUS, AND  
SOPHIA DALIA  
for premises known as: 203 & 207 Lakeview Avenue, Block 2.12, Lots 48 & 49  
be and the same is hereby: GRANTED minor subdivision, use variance, and bulk  
variances to correct significant encroachment of the improvement on 207 Lakeview  
Avenue onto 203 Lakeview Avenue.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 minor subdivision, use variance and bulk variances to correct a significant encroachment on the property located at 207 Lakeview Avenue onto 203 Lakeview Avenue at premises located at 203 & 207 Lakeview Avenue, Block 2.12, Lots 48 & 49, which premises are located in a B-C zone; and

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

- a. There is a significant encroachment of the property line for 207 Lakeview Avenue onto 203 Lakeview Avenue;
- b. The applicant proposes to relocate the existing lot line delineating the property between Lots 48 and 49;
- c. The proposed Lot 49.01 will consist of a portion of Lot 48 and will be increased in size to an area of 8,048 square feet, or 0.184 acres;
- d. The proposed Lot 48.01 will be decreased in size to an area of 2,769 square feet, or 0.063 acres;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The benefits of the application outweigh the detriments, if any;

WHEREAS, the Board finds that the proposed subdivision will, in fact, remedy the encroachment presently existing between the two lots; and

WHEREAS, the Board 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 since the lot lines will be expanded but the buildings will remain the same;

NOW THEREFORE, BE IT RESOLVED that the application for a minor subdivision, use variance, and bulk variances to correct the lot line between properties at 207 Lakeview Avenue and 203 Lakeview Avenue at premises located at 203 & 207 Lakeview Avenue, Block 2.12, Lots 48 & 49, be and the same is hereby approved and the minor subdivision, use variance, and bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

- A. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED JANUARY 7, 2021;**
- B. PASSAIC COUNTY PLANNING BOARD APPROVAL;**

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 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 MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL MAYER for premises known as: 33 Belmont Avenue, Block 70.03, Lot 21 be and the same is hereby: GRANTED variances for front yard setback, right side yard setback, and combined side yard setbacks to erect a second floor addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 bulk variance approval to erect a second floor addition at premises located at 33 Belmont Avenue, Block 70.03, Lot 21, 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 add a second story to the existing one-family dwelling;
- b. A front yard setback variance is required at the walkout bay window where 25 feet is required and 25.2 feet is proposed;
- c. A right side yard setback variance is required where 6 feet is required and 4.6 feet is proposed;
- d. A combined side yard setback variance is required where 16 feet is required and 9.4 feet is proposed;
- e. A lot coverage variance is required where 27 percent is permitted and 28.8 percent is proposed;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The benefits of the application outweigh the detriments, if any;

WHEREAS, the Board finds from the testimony presented that the second floor addition will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a second floor addition at premises located at 33 Belmont Avenue, Block 70.03, Lot 21, be and the same is hereby approved and the bulk variances for front yard, right side yard, combined side yards, and lot coverage 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 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 MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: GUIDO PAPA  
for premises known as: 20 Lincoln Avenue, Block 18.12, Lot 16  
be and the same is hereby: GRANTED variance approval for a 5-foot-high solid  
fence with a 1-foot lattice on top, for a total of 6 feet, in the rear yard and partially  
along both sides of the house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 variance approval to erect a fence at premises located at 20 Lincoln Avenue, Block 18.12, Lot 16, 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 has stipulated to erecting a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, in the rear yard and partially along both sides of the house;
- b. The fence is required for privacy purposes;
- c. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- d. The benefits of the application outweigh the detriments, if any;

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 the proposal will not 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 fence with a 1-foot lattice on top, for a total of 6 feet, at premises located at 20 Lincoln Avenue, Block 18.12, Lot 16, be and the same is hereby approved and the variances for rear and both side yard fences 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 5-FOOT-HIGH FENCE WITH A 1-FOOT LATTICE ON TOP, FOR A TOTAL OF 6 FEET IN THE REAR AND BOTH SIDE YARDS AS INDICATED ON THE PLANS;** 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 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 MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WILL BISHOP for premises known as: 44 Sperling Road, Block 38.03, Lot 3 be and the same is hereby: GRANTED variance approval for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the rear of the property abutting Van Houten Avenue.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 to erect a fence at premises located at 44 Sperling Road, Block 38.03, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant has stipulated to erecting a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, in the rear yard and partially along both sides of the house;
- b. The fence is required for privacy purposes;
- c. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- d. The benefits of the application outweigh the detriments, if any;

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 the proposal will not 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 fence with a 1-foot lattice on top, for a total of 6 feet, at premises located at 44 Sperling Road, Block 38.03, Lot 3, be and the same is hereby approved and the variance for rear yard fence 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 5-FOOT-HIGH FENCE WITH A 1-FOOT LATTICE ON TOP, FOR A TOTAL OF 6 FEET IN THE REAR AND BOTH SIDE YARDS AS INDICATED ON THE PLANS;** 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 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 MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: ERCIHAN OZCAN  
for premises known as: 253 Vernon Avenue, Block 5.14, Lot 18  
be and the same is hereby: GRANTED a use variance for mixed use building to  
convert an existing business space previously used as a day care center to a retail  
grocery and gift store with residential use on the second floor.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 use variance approval for a mixed use since the second floor is a residential use and the proposed use is retail store in a residential zone at premises located at 253 Vernon Avenue, Block 5.14, Lot 18, 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 Board previously granted a use variance for the premises to be utilized as a day care center on February 2, 2011, and the application, testimony, exhibits, and Resolution are incorporated herein by reference and made a part hereof;
- b. The applicant now requests approval for a retail grocery store and gift store;
- c. The first floor will be the proposed retail grocery and gift store, and the second floor is presently and will remain residential;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- e. The benefits of the application outweigh the detriments, if any;
- f. The applicant requests bulk variances for existing parking, lot width, lot area, and building bulks which are pre-existing and previously granted by the Board;

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 an existing business space to a retail grocery and gift store in a residential zone at premises located at 253 Vernon Avenue, Block 5.14, Lot 18, be and the same is hereby approved and the use variance for mixed use, the first floor being retail grocery and gift store and second floor being residential, and the bulk variances, which are pre-existing, also are hereby granted subject to such further governmental approvals as may be required by law  
**SUBJECT TO THE FOLLOWING STIPULATIONS**

**A. APPLICANT CAN OPERATE SEVEN (7) DAYS A WEEK;**  
**B. THE HOURS OF OPERATION WILL BE FROM 10 A.M. TO 6 P.M.;**  
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 GEORGE FOUKAS.  
**Affirmed by:** Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

**MEETING OF MARCH 3, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of:      **ATIT D. RAVAL**  
for premises known as:      **106 Pershing Road, Block 40.10, Lot 14**  
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 build a  
second story addition and an enclosed front entry.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 3, 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 variances as aforesaid to build a second story addition and an enclosed front entry at premises located at 106 Pershing Road, Block 40.10, 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. Applicant requests approval to build a second story addition and an enclosed front entry;
- b. A variance is requested for front yard setback proposed at 20.7 feet where 25 feet is required;
- c. A variance is requested for left side yard setback proposed at 4.48 feet where 6 feet is required;
- d. A variance is requested for right side yard setback proposed at 5.2 feet where 6 feet is required;
- e. A variance is requested for combined side yards where 9.5 feet is proposed at 16 feet is required;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The benefits of the application outweigh the detriments, if any;

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 the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a second story addition and an enclosed front entry at premises located at 106 Pershing Road, Block 40.10, Lot 14, be and the same is hereby approved and the bulk variances for front yard setback, left side yard setback, right side yard setback, and combined side yard setbacks 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 MICHAEL MOLNER.  
**Affirmed by:** Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.