

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, April 7, 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, DANIEL TRENK, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

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

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

CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | LEXINGTON PARTNERS, LLC,
340 Lexington Avenue, Block 8.22,
Lots 37 and 39 – RB3 – Applicant
requests the following:
1) A D.6 (Height Use Variance 3
stories and 35' Permitted, 4 stories
and <u>48'</u> Proposed) is required.
2) Bulk variance for minimum lot area
per dwelling unit (2178 square feet
required, <u>558'</u> 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 (<u>56</u> spaces required,
<u>42</u> spaces proposed). |
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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 continued until the May 19, 2021 meeting of the Board at the request of the attorney for the applicant.

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| 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. |
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This matter was previously continued by the Board until the May 5, 2021 at the request of the attorney for the applicant.

NEW HEARINGS

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| 1.
Variances | ANDREW ZURAWSKI , 91 Ridgewood Road, Block 55.07, Lot 6 – RA3 – Applicant proposes to build a second floor addition. The following variances are requested:
1) Front yard proposed at 22.81' where 25' is required.
2) Right side yard is 4.85' and left side yard is 4.75' where 6' minimum is required.
3) Combined side yards is 9.6' where 16' minimum is required.
4) Lot coverage proposed at 34% an increase of 3%. |
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The applicant, residing at 91 Ridgewood Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to build a second floor addition to the subject premises; that the variances requested are as follows: 1. Front yard setback requirement is 25 feet, and the applicant is proposing 22.81 feet; 2. The right side yard setback and the left side yard setback requirement is 6 feet, and the applicant is requesting 4.85 feet on the right side and 4.75 feet on the left side; 3. The combined side yard requirement is 16 feet, and the applicant is proposing 9.6 feet; 4. The lot coverage requirement is 31 percent, and the applicant is proposing 34 percent for an increase of 3 percent.

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 Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, 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. **STEVEN YOUSSEF**, 26 Rosedale Avenue,
Variance Block 40.15, Lot 19 – RA3 – Applicant proposes
to install an above-ground pool in the back yard.
Pool is proposed 5' from the existing deck
where 10' is required.

The applicant, residing at 26 Rosedale Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to install an above-ground pool in the back yard of the subject premises; that the pool is proposed 5 feet from the existing deck where 10 feet is required.

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 variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, 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. **NILESH RAGHA**, 80 Luisser Street,
Variance Block 65.05, Lot 30.03 – RA2 – Applicant
proposes to replace an existing patio with
an enclosed sunroom. Sunroom would be
12' x 12' and would be located 30' from
the rear property line where 35' is required.

The applicant and his wife, residing at 80 Luisser Street, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that she requests variance approval to replace an existing patio with an enclosed sunroom; that the size of the sunroom will be 12- by 12-feet and is proposed to be located 30 feet from the rear property line where 35 feet is required.

After a review of the testimony, Comr Michael Molner 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 Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, 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. **B.I.J.I. HOLDINGS, LLC**, 473 Highland Avenue, Block 21.04. Lot 05 – RB2 –
Variance Applicant proposes to build a second floor addition of the existing house. The following conditions require a variance:
1) Left side yard is 3.99' where 6' is required;
2) Front yard is 22.32' where 25' is required.

John Kodriguez of 4 Jersey Street, Harrison, New Jersey, was present and sworn on behalf of the applicant, and stated that he was the sole member of the limited liability company. There were no objectors.

The applicant testified that he proposes to build a second floor addition to the existing structure at premises located at 473 Highland Avenue; that the left side yard setback requirement is 6 feet, and he is proposing 3.99 feet; that the front yard setback requirement is 25 feet, and the applicant is requesting 22.32 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 Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, 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.

ADOPTION OF 2020 ANNUAL REPORT

Chrmn Zecchino stated that the next order of business would be the adoption of the 2020 Annual Report which was prepared by Gregory Associates, LLC.

After review, Comr Louis DeStefano moved to adopt a Resolution and forward the same to the Planning Board and the Mayor and Municipal Council as required by law. The motion was seconded by Comr Scott Sochon and affirmed by Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the 2020 Annual Report was adopted.

RESOLUTIONS

Chrmn Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, 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 QUICKS REALTY LLC for a use variance for a mixed use two-story building with a delicatessen on the first floor, 4 one-bedroom residential units on the second floor along with 20 parking spaces, bulk variances for the off-street parking or loading spaces, parking aisles or maneuvering areas, number of parking spaces, and buffer width at 802 Van Houten Avenue, Block 36.10, Lot 16, was adopted. B-C

2. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, and George Foukas, the Resolution DENYING the application of BEN AND SARAH COHEN for use variance for a basement powder room with a direct access to the exterior at 150 South Parkway, Block 60.04, Lot 2, was adopted. RA3

3. Upon motion made by Comr George Foukas, seconded by Comr Scott Sochon, 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 CESAR SANTOS for bulk variances to extend the rear deck from 7 feet to 11 feet and side yard setback variances to install an air-conditioning unit on the right side of the house at 582 Clifton Avenue, Block 20.04, Lot 19, was adopted. B-A1

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, 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 FRANCISCO FRANCO for lot coverage and combined side yards to complete and finish construction of the second floor of the existing single-family dwelling at 20 Whitmore Place, Block 8.14, Lot 22, was adopted. R-B3

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 APRIL 7, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ANDREW ZURAWSKI for premises known as: 91 Ridgewood Road, Block 55.07, Lot 6 be and the same is hereby: GRANTED front yard setback, right and left side yard setbacks, combined side yard setbacks, and lot coverage variances for a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 7, 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 as aforesaid to build a second floor addition to premises located at 91 Ridgewood Road, Block 55.07, Lot 6, 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 variance approval to build a second floor addition to the subject premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 22.81 feet;
- c. The right side yard setback is 4.85 feet and the left side yard setback proposed is 4.75 where 6 feet minimum is required;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.6 feet;
- e. The lot coverage proposed is 34 percent where 31 percent is permitted, an increase of 3 percent;
- 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; 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 build a second floor addition at premises located at 91 Ridgewood Road, Block 55.07, Lot 6, be and the same is hereby approved and the variances for front yard setback, right side yard setback, left side yard setback, combined side yard setbacks, 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 George Foukas.
Seconded by: Comr Scott Sochon.
Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 7, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STEVEN YOUSSEF for premises known as: 26 Rosedale Avenue, Block 40.15, Lot 19 be and the same is hereby: GRANTED a 5 foot setback variance from the existing deck where 10 feet is required to install an above-ground pool in the rear yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 7, 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 install an above-ground pool in the back yard of the subject premises 5 feet from the existing deck where 10 feet is required at premises located at 26 Rosedale Avenue, Block 40.15, Lot 19, 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 an above-ground pool in the rear yard of the subject premises;
- b. The pool is proposed 5 feet from the existing deck where 10 feet is required;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds 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 permit an above-ground pool in the rear yard at premises located at 26 Rosedale Avenue, Block 40.15, Lot 19, be and the same is hereby approved and the setback variance of the pool from the existing deck 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 Scott Sochon, Michael Molner, Daniel Trenk,
Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 7, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: NILESH RAGHA
for premises known as: 80 Luisser Street, Block 65.05, Lot 30.03
be and the same is hereby: GRANTED a rear yard setback variance for a rear
sunroom.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 7, 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 replace an existing patio with an enclosed sunroom at premises located at 80 Luisser Street, Block 65.05, Lot 30.03, which premises are located in an RA2 zone; and

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

- a. The applicant presently has an existing patio in the rear yard of the subject premises;
- b. The applicant proposes to replace the patio with a sunroom which will be 12-by 12-feet;
- c. The proposed sunroom will have a setback of 30 feet from the rear yard property line where 35 feet is required;
- d. The applicant has shown sufficient hardship to justify the grant of the bulk variance requested;
- e. 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 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 replace an existing patio with an enclosed sunroom at premises located at 80 Luisser Street, Block 65.05, Lot 30.03, be and the same is hereby approved and the variance for sunroom located 30 feet from the rear property line 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 MICHAEL MOLNER.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk,
Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark
Zecchino.

MEETING OF APRIL 7, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**,
that the application of: **B.I.J.I. HOLDINGS, LLC**
for premises known as: **473 Highland Avenue, Block 21.04, Lot 05**
be and the same is hereby: **GRANTED left side yard setback and front yard**
setback variances to erect a second floor addition to the existing dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 7, 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 erect a second floor addition at premises located at 473 Highland Avenue, Block 21.04, Lot 05, which premises are located in a RB2 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 build a second floor addition to the existing structure at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 3.99 feet;
- c. The front yard setback requirement is 25 feet, and the applicant is proposing 22.32 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- e. 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 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 for a second floor addition at premises located at 473 Highland Avenue, Block 21.04, Lot 05, be and the same is hereby approved and the variances for left side yard and front yard setbacks 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 SCOTT SOCHON.

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.

**RESOLUTION
OF
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON**

WHEREAS, the Board of Adjustment of the City of Clifton is required by law to conduct an Annual Report which reviews its decisions on applications heard during the past year; and

WHEREAS, the Board of Adjustment did authorize Gregory Associates, LLC, Kathryn M. Gregory, AICP, PP, NJ Professional Planner, to prepare such report; and

WHEREAS, Kathryn M. Gregory, AICP, PP, did make her recommendations on Page Nos. 5 and 6 of the report (not dated) for the calendar year 2020, which is attached hereto and made a part hereof; and

WHEREAS, the Board of Adjustment of the City of Clifton did review the 2020 Annual Report, and said Board of Adjustment concurs with the recommendations of Kathryn M. Gregory, AICP, PP, NJ Professional Planner, for zoning, ordinances, amendments or revisions; and

NOW THEREFORE, BE IT RESOLVED that the Annual Report prepared by Kathryn M. Gregory, AICP, PP, NJ Professional Planner, be and the same is hereby adopted and that same shall be forwarded to the Governing Body of the City of Clifton and Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

MEETING OF APRIL 7, 2021.

MOVED BY: COMR LOUIS DE STEFANO.

SECONDED BY: COMR SCOTT SOCHON.

AFFIRMED BY: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.