

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, May 5, 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, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS ZALMAN GURKOV AND 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 Vice-Chrmn Gerard Scorziello, the Minutes of the April 21, 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, <u>134'</u> proposed).
5) Minimum rear yard setback (48.5'
required, <u>5.01'</u> proposed).
6) Minimum side yard setback (10'
required, <u>5.56'</u> proposed).
7) Minimum side yard setback for
both side yards (22' required, <u>11.12'</u>
proposed).
8) Minimum street side yard setback
(15' required, <u>5.56'</u> proposed).
9) Lot coverage (25% permitted, 82.86%
proposed).
10) Parking spaces (<u>56</u> spaces required,
<u>42</u> 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 May 19, 2021, meeting of the Board.

2. **MICHAEL PONCE**, 347 Piaget Avenue, Block 18.02, Lot 6 – RB2 – Applicant
Use proposes raze the existing house and
Variance; construct a 4 unit residential building.
Variance 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.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were William J. Martin, an architect, 25 Boulevard, Westwood, New Jersey; and Sean P. McClellan, an engineer, 101 West Street, Hillsdale, New Jersey. There was one objector, Peter Natoli of 353 Piaget Avenue, Clifton, New Jersey.

The Board is in receipt of reports from its experts, Neglia Engineering Associates dated January 11, 2021, and Gregory Associates, LLC dated January 14, 2021, revised March 1, 2021.

Mr. Peterson stated that the applicant proposes to demolish an existing single-family at the site in question and construct a four unit residential building consisting of two-bedroom apartments and parking for 10 vehicles; that access to the parking is proposed within the required right side yard setback.

Sean P. McClellan testified as an engineer and stated that he prepared the site plan; and testified as to the site; he gave a project description which included the grading, the drainage, and the utilities proposed at the site; that he also gave testimony concerning the traffic, lighting, and landscaping.

William J. Martin testified as an architect and gave a description of the property; that the proposed development is in an RB2 residential zone; that a D5 density variance is required; that the applicant is seeking variances for lot area where 60,000 square feet is required and 11,550 feet is proposed for a deficiency of 48,450 square feet; that the lot width requirement is 200 feet, and the applicant is proposing 75 feet for a deviation of 125 feet; that the lot depth required is 200 feet, and the applicant is proposing 154 feet for a deficit of 46 feet; that there are also variances for the front yard setback, side yard setback, both side yard setbacks; play area, lot area per unit, parking coverage, and aisle width variances.

Offered into evidence which was marked "A-1" is an aerial view of the property; and "A-2" the site area in question.

Peter Natoli, the objector, testified that the proposal represents a gross overuse of the premises; that the area primarily consists of one- and two-family dwellings; that the proposal will cause traffic and off-street parking problems in the neighborhood.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the D-5 variance and bulk variances. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, and Vice-Chrmn Gerard Scorziello. Voting in the negative were Comrs George Silva, George Foukas, and Chrmn Mark Zecchino. There were four affirmative votes and three negative votes. Counsel Pogorelec ruled that the failure of a motion to receive the number of votes required to approve and application for development shall be deemed an action denying the application pursuant to N.J.S.A. 40:55D-9. This application was for a D-5 use variance which requires five votes and did not receive the required number of votes. Thereupon, the matter was denied by operation of law 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.
Use
Variance;
Variances

PALESTINIAN AMERICAN COMMUNITY CENTER, 386 & 390 Lakeview Avenue, Block 5.24, Lots 12 & 15 – B-C – For conditional use variances and preliminary and final major site plan approval.
The existing building at 386 Lakeview Avenue will be utilized for a social organization.
The existing building on 390 Lakeview Avenue will be demolished and the site will be utilized for a new art gallery associated with the social organization as well as off-street parking.
The applicant requests the following variances from Section 469-29C the Zoning Ordinance of the City of Clifton:

1. Minimum lot area of one acre is required and less than one acre is proposed;
2. Minimum lot width of 200 feet is required and less than 200 feet is proposed;
3. Minimum lot depth of 200 feet is required and less than 200 feet is proposed;
4. Minimum front yard of 25 feet is required and less than 25 feet is proposed;

5. Minimum rear yard of 50 feet is required and less than 50 feet is proposed;
6. Minimum side yard of 20 feet is required and less than 20 feet is proposed;
7. Minimum combined side yard of 55 feet is required and less than 55 feet is proposed;
8. Minimum street side setback of 25 feet is required and less than 25 feet is proposed;
9. Maximum lot coverage of 25% is required and more than 25% is proposed;
10. Minimum off-street parking of one space for each 50 square feet of assembly room area is required and less than one space for each 50 square feet is proposed.

In addition, the applicant requests any other variance, waiver, or exception as may be deemed necessary by the Zoning Board of Adjustment of the City of Clifton in order to secure approval of all plans, plats, and applications submitted. Please note that the applicant may request additional, or different relief than is listed herein. This application is subject to modification without further notice.

This matter was previously continued by the Board until the May 19, 2021, meeting of the Board.

NEW HEARINGS

1. **MAIN TROAST PROPERTIES, LLC,**
Variance 1368 Main Ave., 363 Getty Ave. a/k/a
1378 Main Ave., Block 10.11, Lots 1 and 25
-- M-2 -- Applicant proposes to enclose a
282 square foot section of the front of the
building. The following variances are
requested:
 - 1) Front yard setback proposed at 0.47' where
20' is required.
 - 2) Right side yard proposed at 1.3' where 15'
is required.
 - 3) Two additional parking spaces required,
not provided, building previously granted a
parking variance.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Mehmet Bilici of 1378 Main Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Peterson stated that the applicant proposes to enclose a 282 square foot section of the front of the building to add a new entranceway; that the front yard setback requirement is 20 feet, and the applicant is proposing .47 feet where 20 feet is required; that the right side yard setback requirement is 15 feet, and the applicant is proposing 1.3 feet; that two additional parking spaces are required; however, the building was previously granted a parking variance.

The applicant, Mehmet Bilici, affirmed the representations made by Mr. Peterson.

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 variances requested. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, 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. **BRADLEY & JENNIFER COLWELL,**
Variances 50 East Normal Ave., Block 74.09, Lot 15
-- RA1 -- Variances requested a second floor addition over the existing first floor (front yard):
- 1) Front yard proposed at 27.8' where 35' is permitted.
 - 2) Right side yard is 11.06' where 12' is required;
 - 3) Combined side yards are 23.54' where 24' is required.

The applicants, residing at 50 East Normal Avenue, Clifton, New Jersey, were present and sworn. Also present and sworn was Richard S. Jacobs, an architect, with offices at 1191 Valley Road, Clifton, New Jersey. There were no objectors.

Mr. Jacobs testified as an architect and stated that the applicant requests variance approval for a second floor addition over the existing first floor; that the variances requested are as follows: 1. The front yard setback requirement is 35 feet, and the applicant is proposing 27.8 feet; 2. The right side yard setback requirement is 12 feet, and the applicant is proposing 11.06 feet; and 3. The combined side yard requirement is 24 feet, and the applicant is proposing 23.54 feet.

Jennifer Colwell testified that the purpose of the addition is to add a second bath and provide for larger bedrooms and closets.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare Resolution for approval of the application. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs George Silva, 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. **GEORGE PETROPOULAKIS,**
Variance 3 Canterbury Court, Block 51.03, Lot 7
-- RA1 – Applicant proposes to build a
roof over the patio in the rear yard.
A variance is required for rear yard
setback at 17.5' where 35' is required.

The applicant, residing at 3 Canterbury Court, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to build a roof over the patio in the rear yard of the subject premises; that the rear yard setback requirement is 35 feet, and he is proposing 17.5 feet.

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 variance. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, 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. **VERONICA & RICHARD AMATI,**
Variance 182 Patricia Place, Block 71.01, Lot 39
-- RA3 – Variances requested for the
construction of a second floor addition
over the existing first floor structure
in the rear:
1) Rear yard proposed at 18' where 35'
is required (existing condition).

Veronica Amati, residing at 182 Patricia Place, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for the construction of a second floor addition over the existing first floor at the subject premises; that the rear yard setback requirement is 35 feet, and she is proposing 18 feet.

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 Comr Scott Sochon. Voting in the affirmative were Comrs George Silva, 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.

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testimony presented to the Board and
upon which this decision is based.

5.
Variances

ELIZABETH MORONTA,

2 Nash Avenue, Block 2.06, Lot 31

-- RB1 -- Variances requested for a one-story, rear addition:

- 1) Lot coverage proposed at 34.8% where 27% is permitted;
- 2) Right side yard proposed at 0.5' where 6' is required;
- 3) Rear yard proposed at 10'3" where 35' is required;
- 4) Combined side yards proposed at 11.16' where 16' is required;
- 5) Existing, nonconforming lot width and area.

Elizabeth Moronta, residing at 2 Nash Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Michael J. Romanik, an architect, with offices at 291 Crooks Avenue, Paterson, New Jersey.

Mr. Romanik testified that the applicant requests variances for a one-story rear addition at the subject premises; that the lot coverage requirement is 27 percent, and the applicant is proposing 34.8 percent; that the right side yard setback requirement is 6 feet, and the applicant is proposing 0.5 feet; that the rear yard setback requirement is 35 feet, and the applicant is proposing 10 feet 3 inches; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 11.16 feet; that the existing property has a non-conforming lot width and lot area.

Mrs. Moronta testified that the purpose of the addition is to add a bedroom, a bathroom, and extend her kitchen.

After a review of the testimony, Comr George Silva moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. the motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

The Minutes as stated is the complete testimony presented to the Board and upon which this decision is based.

6. **JOHAN KAFIL & TSUNGAS**
 Use **PETROLEUM, INC.**, 453-463
 Variance Lexington Ave., Block 7.15, Lots
 10 and 11 – BC – For Amended
 Preliminary & Final Site Plan, and
 Use Variance (N.J.S.A. 40:55d-70(d))
 approvals, to permit the demolition
 and removal of an existing gasoline
 service station & derelict three-family
 residential structure and construct
 thereon a mixed-use, retail & multi-
 family residential structure, containing
 up to nine (9) residential units, a
 prohibited use. In addition, this
 Applicant will request such variances,
 waivers, permits, approvals, or
 licenses that the Board deems necessary
 or appropriate.

David C. Dixon, Esq., with offices at 620 Newark Pompton Turnpike, Pompton Plains, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: John Leoncavallo, a planner, with offices at 388 Washington Road, Sayreville, New Jersey; and Jasvinder Arjani of Bertin Engineering, with offices at 66 Glen Avenue, Glen Rock, New Jersey. There were two objectors, Neil Gelerter, DMD, of 234 Clifton Avenue, Clifton, New Jersey; and Jean Balonre of 427 Mt. Pleasant Ave., Woodland Park, New Jersey.

Mr. Dixon stated that the applicant has submitted an application for an amended preliminary and final site plan and use variance approval to permit demolition and removal of an existing gasoline service station and a derelict three-family residential structure and construct a mixed use retail and multi-family residential structure consisting of up to nine residential units on the second floor with retail and parking on the first floor.

Chrmn Mark Zecchino stated that the Board previously denied an application at that site and inquired of the substantial changes in order to overcome the doctrine of res judicata. John Leoncavallo, the planner, testified that there are substantial changes to the application which was previously denied; that one story has been eliminated; that the density now complies with nine units instead of the 12 units previously requested; that the parking variance is eliminated; that all bulk variances have been eliminated.

Comr George Foukas moved to hear the application and overcome the doctrine of res judicata. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs George Silva, 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 applicant was instructed to continue to present its application.

Mr. Leoncavallo testified as a planner as to the report prepared by John McDonough Associates dated April 23, 2021; he testified as to the existing conditions, proposed conditions, zoning considerations, justification for grant of the use variance including satisfactory requirements set forth in Medici v. B.P.R., 107 N.J. 1 (1987); that the site is particularly suited for the proposal; that the present application will eliminate a discordant use—a gasoline station and repair garage; that the proposal will create new housing; that the proposal does promote the general welfare and satisfies the purposes of zoning set forth in N.J.S.A. 40:55D-2 “a,” “g,” “h,” “i,” and “m;” that the applicant satisfies the negative criteria.

Jasvinder Arjani testified as an engineer from Bertin Engineering and stated that he prepared the site plan, the zoning notes, the first floor plan, the second floor plan, and the exterior elevations; that a D-1 use variance is required since it is a mixed use building which is not permitted in the zone; that the site is suitable; that the "c" variances include parking, setback on the side and rear lot lines; that the proposal is a transitional area between business zone and residential; that the proposal satisfies the Master Plan and creates a desirable visual environment.

Neil Gelerter objected to the application, stating that it would be detrimental to his clients and his dental practice; that there is a lack of parking in the area, and the proposal will create traffic problems.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the use variance subject to site plan approval to be submitted by the applicant at a later date and further subject to Passaic County Planning Board approval. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs George Silva, 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.

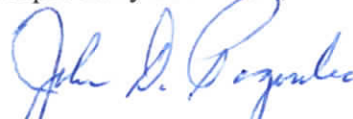
RESOLUTION

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

1. Upon motion made by Comr George Foukas, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of UKRAINIAN CULTURAL CENTER OF CLIFTON, INC. to re-subdivide the property and use variance and bulk variances for a cultural, educational, and social center at 110 Vincent Drive, Block 63.01, Lots 24.01 and 24.02, Lots 23 and 26, was adopted. RA1

There being no further business before the Board, Comr George Foukas moved to adjourn. The motion was seconded by Comr George Silva with the unanimous approval of the entire Board.

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF MAY 5, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MICHAEL PONCE
for premises known as: 347 Piaget Avenue, Block 18.02, Lot 6
be and the same is hereby: DENIED a use variance to construct a 4-unit residential building within an RB2 zone.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr Louis DeStefano moved to approve the application, and there was a second to the motion by Comr Scott Sochon. Voting for approval were Comrs Scott Sochon, Michael Molner, Louis DeStefano, and Vice-Chrmn Gerard Scorziello. Voting in the negative on the motion were Comrs George Silva, George Foukas, and Chrmn Mark Zecchino. The roll call showed that there were four affirmative votes and three negative votes. The application was for a use variance which requires five affirmative votes. Pursuant to N.J.S.A. 40:55D-9, the failure of a motion to receive the number of votes required to approve an application for development shall be deemed an action denying the application. The applicant failed to receive the five affirmative votes; thereupon, the matter was denied by operation of law as follows:

WHEREAS, the applicant requests use variance and bulk variances for lot area, lot width, lot depth, front yard, side yard, side yard both, play area, lot area per unit, parking coverage, and aisle width to demolish an existing single-family dwelling and construct a multi-family unit residential building at premises located at 347 Piaget Avenue, Block 18.02, Lot 6, which premises are located in an RB2 zone; and

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

- a. The applicant requests variance approval to demolish an existing single-family home on the subject premises and construct a 4-unit multi-family residential building;
- b. The applicant requires a density use variance D(5);
- c. The applicant requires the following variances:
 - i. LOT AREA 60,000 square feet required, 11,550 square feet proposed, variance of 48,450 square feet;
 - ii. LOT WIDTH 200 feet required, 75 feet proposed, variance for 125 feet;
 - iii. LOT DEPTH 200 feet required, 154 feet proposed, variance for 46 feet;
 - iv. FRONT YARD 35 feet required, 22 feet proposed, 13 foot variance;
 - v. SIDE YARD 20 feet required, 10 feet proposed, 10 foot variance;
 - vi. SIDE YARD BOTH, 45 feet required, 37 feet proposed, 8 foot variance;
 - vii. PLAY AREA, 400 square feet per family dwelling unit required, no play areas proposed, variance required;
 - viii. LOT AREA PER UNIT, 2,904 square feet required, 2,888 square feet proposed, 16 square foot variance required;
 - ix. PARKING COVERAGE, 30 percent permitted, 49.9 percent proposed, variance for 19.9 percent;
 - x. AISLE WIDTH, 24 feet required, 20 feet proposed, 4 foot variance;

- d. The applicant has failed to satisfy the positive and negative criteria required for the grant of a D(5) use variance;
- e. The applicant has failed to sustain the burden of proof required to approve the application;
- f. The applicant has shown no hardship to justify the ten bulk variances required;
- g. The proposal represents a gross overuse of the premises;
- h. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance since the neighborhood consists primarily of one- and two-family dwellings; and

WHEREAS, the Board further finds that the proposal will be detrimental to the neighborhood and cause parking and traffic problems;

NOW THEREFORE, BE IT RESOLVED that the application to demolish an existing one-family dwelling and construct a 4-unit residential building at premises located at 347 Piaget Avenue, Block 18.02, Lot 6, be and the same is hereby disapproved and the use variance and bulk variances requested be and the same are hereby denied.

Resolution moved by: Comr GEORGE SILVA.

Seconded by: Comr GEORGE FOUKAS.

Affirmed by: Comrs George Silva, George Foukas, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: MAIN TROAST PROPERTIES, LLC
for premises known as: 1368 Main Ave., 363 Getty Ave. a/k/a 1378 Main Ave.,
Block 10.11, Lot 1 and 25
be and the same is hereby: GRANTED front yard and right side yard setback
variances to enclose a 282 square foot section of the front of the building.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to enclose a 282 square foot section of the front of the building at premises located at 1368 Main Avenue, 363 Getty Avenue a/k/a 1378 Main Avenue, Block 10.11, Lots 1 and 25, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to enclose a 282 square foot section of the front building to add a new entranceway;
- b. The applicant requests variance approval for a front yard setback where 20 feet is required and .47 feet is proposed;
- c. The right side yard setback requirement is 15 feet and 1.3 feet is proposed;
- d. Two additional parking spaces required, however, the building was previously granted a parking variance;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to enclose a 282 square foot section of the front of the building at premises located at 1368 Main Avenue, 363 Getty Avenue a/k/a 1378 Main Avenue, Block 10.11, Lots 1 and 25, be and the same is hereby approved and the variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL** and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.

10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr GEORGE SILVA.

Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BRADLEY JENNIFER COLWELL for premises known as: 50 East Normal Avenue, Block 74.09, Lot 15 be and the same is hereby: GRANTED front yard, right side yard, and combined side yard setback variances for a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a second floor addition over the existing first floor at premises located at 50 East Normal Avenue, Block 74.09, Lot 15, which premises are located in an RA1 zone; and

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

- a. The applicant proposes a second floor addition over the existing first floor at the subject premises;
- b. The front yard setback requirement is 35 feet, and the applicant is proposing 27.8 feet;
- c. The right side yard setback requirement is 12 feet, and the applicant is proposing 11.06 feet;
- d. The combined side yard requirement is 25 feet, and the applicant is proposing 23.54 feet;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition over the existing first floor at premises located at 50 East Normal Avenue, Block 74.09, Lot 15, be and the same is hereby approved and the variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.

13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr SCOTT SOCHON.

Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: **GEORGE PETROPOULAKIS**
for premises known as: **3 Canterbury Court, Block 51.03, Lot 7**
be and the same is hereby: **GRANTED a rear yard setback variance to build a roof
over the patio in the rear yard.****

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, 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 roof over the patio in the rear yard at premises located at 3 Canterbury Court, Block 51.03, Lot 7, which premises are located in an RA1 zone; and

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

- a. The applicant proposes to build a roof over the patio in the rear yard of the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 17.5 feet;
- 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 build a roof over the patio in the rear yard at premises located at 3 Canterbury Court, Block 51.03, Lot 7, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr GEORGE SILVA.

Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: VERONICA & RICHARD AMATI
for premises known as: 182 Patricia Place, Block 71.01, Lot 39
be and the same is hereby: GRANTED rear yard setback variance for a second
floor addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to construct a second floor addition to premises located at 182 Patricia Place, Block 71.01, Lot 39, 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 construct a second floor addition over the existing first floor structure in the rear;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 18 feet;
- 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 for construction of a second floor addition over the existing first floor structure in the rear at premises located at 182 Patricia Place, Block 71.01, Lot 39, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr SCOTT SOCHON.

Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELIZABETH MORONTA for premises known as: 2 Nash Avenue, Block 2.06, Lot 31 be and the same is hereby: GRANTED lot coverage, right side yard setback, rear yard setback, and combined side yard setbacks for a one-story rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to erect a one-story rear addition at premises located at 2 Nash Avenue, Block 2.06, Lot 31, which premises are located in an RB1 zone; and

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

- a. The applicant proposes a one-story rear addition to add a bedroom, a bathroom, and extend the kitchen;
- b. The lot coverage permitted is 27 percent, and the applicant is seeking 34.8 percent;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 0.5 feet;
- d. The rear yard setback requirement is 35 feet, and the applicant is proposing 10 feet 3 inches;
- e. The combined side yard requirement is 16 feet, and the applicant is proposing 11.16 feet; and
- f. The applicant has shown sufficient hardship to justify the grant of the 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 erect a one-story rear addition at premises located at 2 Nash Avenue, Block 2.06, Lot 31, be and the same is hereby approved and the variances for lot coverage, right side yard, rear yard, combined side yards, and lot width and area be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.

8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr GEORGE SILVA.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 5, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOHAN KAFIL & TSUNGAS PETROLEUM, INC. for premises known as: 453-463 Lexington Avenue, Block 7.15, Lots 10 & 11 be and the same is hereby: GRANTED use variance for a mixed use retail and a multi-family residential structure containing 9 residential units SUBJECT TO SITE PLAN APPROVAL.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 5, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the use variance subject to site plan approval on the basis of the following Resolution:

WHEREAS, the applicant requests approval to demolish the existing gasoline service station and three-family residential structure and construct a two-story mixed use building with 9 residential units over retail use with parking on the ground floor at premises located at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, which premises are located in a BC zone; and

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

- a. The Board previously denied an application at the site on December 16, 2020; however, the applicant has demonstrated that there are substantial changes from the prior application, to wit: one story has been eliminated, the density has been reduced from 12 units to 9 units, the parking variance has been eliminated, and all bulk variances have been eliminated;
- b. Based upon the testimony presented by the applicant's planner, the applicant has satisfied the positive criteria required for the grant of the use variance;
- c. The site is particularly suited for the proposed use;
- d. The applicant will eliminate a discordant use—a gasoline station, a repair garage, and a fire-damaged three-family dwelling;
- e. The applicant has satisfied the purposes of zoning set forth in N.J.S.A. 40:55D-2 Sections "a," "g," "h," "i," and "m;"
- f. The proposal will create new housing and provide an aesthetic appeal to the site;
- g. The applicant has satisfied the negative criteria required for the grant of a use variance since it has eliminated a parking variance previously requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds from the testimony presented that the proposal will help promote the health, safety, and general welfare of the neighborhood since the parking variance has been eliminated which was requested in the previous application;

NOW THEREFORE, BE IT RESOLVED that the application to permit demolition and removal of an existing gasoline station and derelict three-family dwelling and construct a mixed use retail multi-family residential structure containing 9 residential units on the second floor with retail and parking on the first floor at premises located at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, be and the same is hereby

approved and the use variance be and the same is hereby granted **SUBJECT TO THE FOLLOWING:**

A. THE APPLICANT WILL BE REQUIRED TO APPLY FOR SITE PLAN APPROVAL;

B. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;
and subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr LOUIS DE STEFANO.

Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.