

Minutes of a regular virtual ZOOM meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, May 19, 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 ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR GEORGE SILVA.

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 May 5, 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 to the July 21, 2021, meeting of the Board at the request of the attorney for the applicant.

2.
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.

Dominic Iannarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Tareq Elsamna of 9 Oak Hill Drive, Wayne, New Jersey; Nicholas Graviano of 101 Crawfords Corner Road, Holmdel, New Jersey. There were no objectors.

This is a continued hearing from the April 21, 2021, meeting of the Board.

Mr. Iannarella stated that the applicant requests use variance approval for an art gallery and a conditional use variance for a community center and site plan approval for the existing building at 386 Lakeview Avenue to be utilized as a social and cultural organization, and the existing building on 390 Lakeview Avenue to be demolished and the site utilized for new art gallery associated with the social organization; that the applicant is seeking variances for bulk variances on Lot 15 which is the community center for number of parking spaces and bulk variances on Lot 12 for street side yard, side yard setback, number of parking spaces, parking in the front yard, and parking side lot line; that Lot 15 which is the community center requires 61 parking spaces and 0 spaces are provided; that Lot 12 which is the art gallery requires 34 parking spaces and 13 spaces will be provided; that the applicant has used the site for the past seven years as a community center.

Nicholas Graviano testified as a planner as to the revised site plan submitted; that the revised application shows the art gallery as an accessory use to the community center and, therefore, subject to conditional use requirements for same; that with respect to Lot 15 which is the community center, a conditional use variance is required as well as variances for lot area, lot width, lot depth, front yard (side/both), side yard, rear yard, building coverage, and number of parking spaces; that with respect to Lot 12 which is where the proposed art gallery will be located, variances are required for lot area, lot width, lot depth, side yard – street side, side yard (one, both), rear yard, and number of parking spaces; that the applicant satisfies the positive and negative criteria required for a D-3 conditional use variance; that the application promotes the goals of the Master Plan.

Tareq Elsamna testified as a member of the Palestinian America Community Center Board and stated that the hours of operation are generally from 2 P.M. to 8 P.M.; that the events occur two to three times a week; that approximately 20 or 30 people attend these events; that garbage is collected by a private contractor.

After a review of the testimony, Comr George Foukas moved to grant the application subject to the condition that the community center and the two-story art gallery remain in existence, and each are conditioned on the other; that if, for any reason, any one of the uses ceases to exist, then the variances herein granted by the Board shall become null and

void; and subject to Passaic County Planning Board approval. Comr Foukas further instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

NEW HEARINGS

1. **ANDREW CARELL**, 80 Warren Street,
Variance Block 22.12, Lot 11 – RA3 – Applicant proposes to install a 12.5" driveway on the right side of the property. A variance is requested for a 0' (zero foot) setback between the driveway and the side lot line where 5' (five foot) is required.

The applicant, residing at 80 Warren Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Carell testified that he requests variance approval to install a 50- by 12.5-foot driveway on the right side of the subject premises; that a variance is requested for 0 setback between the driveway and the side lot line where 5 feet is required; that the purpose of the driveway is to take vehicles off the street and park on the applicant's property.

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 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. **MELANA MALLAH**, 34 Oak Ridge Road,
Variance Block 41.14, Lot 7 – RA2 – Applicant requests a variance for the installation of a six foot (6') high solid fence in the rear yard as pool barrier where a five foot (5') maximum height fence is permitted.

The applicant, residing at 34 Oak Ridge Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Ms. Mallah testified that she request variance approval for a 6-foot-high solid fence in the rear yard as a pool barrier where a 5-foot maximum height fence is permitted; that the purpose of the fence is for privacy and safety for her small children.

Chrmn Zecchino stated that the Board has, in the past, allowed such fences to be 5 feet high with a 1-foot lattice on top. The applicant stipulated that she would accept the condition.

Thereupon, Comr Louis DeStefano moved to grant the application for a 5-foot-high solid fence with a 1-foot high lattice on top and instructed the Counsel Secretary to prepare the proper Resolution for approval of same. 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.

3.
Variance
- JAMIE LYNNE SALEK**, 1239 Valley Road, Block 74.06, Lot 17 – RA1 – Applicant proposes to replace an existing garage with a two-story “barn” accessory structure. Proposed barn is 16’ x 24’. Variances are requested for a two-story accessory structure where one story is permitted and 15.3’ high where 14’ maximum is permitted.

The applicant, residing at 1239 Valley Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Ms. Salek testified that she proposes to replace an existing garage with a two-story “barn” accessory structure at the subject premises; that a variance is requested for a two-story structure where a one-story is permitted; that the height requested is 15.3 feet where 14 feet is permitted; that the proposed barn will be 16- by 24-feet.

After a review of the testimony, Comr Michael Molner 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 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.
Use
Variance;
Variances
- MAIN AVENUE CHICKEN LLC (POPEYE’S)**
16 Main Avenue, Block 82.06, Lots 7 and 14
-- PMU – For preliminary and final major site plan approval, use variance, conditional use variance, bulk variance and design waiver/exception relief.

The property currently consists of two (2) commercial buildings and ancillary site improvements.

The Applicant seeks preliminary and final major site plan approval to utilize a portion of one (1) of the existing commercial buildings on the Property for a proposed restaurant use with counter space.

The Applicant also seeks use variance approval pursuant to N.J.S.A. 40:55D-70(d)(1) for the proposed restaurant use (with counter space) where same is not permitted.

The Applicant also seeks conditional use variance approval pursuant to N.J.S.A. 40:55D-70(d)(3) to permit off-street parking spaces to be located elsewhere than on the same lot with the use to which it is appurtenant where the Applicant does not provide the required number of parking spaces.

The Applicant also seeks bulk variance and design waiver/exception relief in connection with the Application for the following:

- (1) Number of parking spaces less than required (602 parking spaces required for the entire Property (45 parking spaces required for the proposed restaurant use; 432 parking spaces existing/proposed for the entire Property));
- (2) Number of façade signs greater than permitted (1 façade sign permitted; 10 façade signs existing; 12 façade signs proposed); and
- (3) Façade sign projection proposed where same is not permitted.

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, use variances, variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended to revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

Jason R. Tuvel, Esq., with offices at 2 University Plaza Drive, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Robert Freud of Dynamic Engineering with offices at 1904 Main Street, Lake Como, New Jersey; Justin Taylor of Dynamic Traffic with offices at 1904 Main Street, Lake Como, New Jersey; and Matt Flynn, a professional planner.

Mr. Tuvel stated that the applicant is seeking preliminary and final major site plan approval, use variances, conditional use variances, bulk variances, and design waivers for a proposed restaurant use with counter space at the subject premises which was formerly

utilized as a CVS store; that the property in question consists of two commercial buildings; that the proposed restaurant use with counter space is not permitted; that a D-1 use variance is required; that the applicant is also seeking conditional use variance approval to permit off-street parking spaces to be located elsewhere than on the same lot with the use to which it is appurtenant where the applicant does not provide the required number of parking spaces; that bulk variances are required for the number of parking spaces; 45 parking spaces are required for the proposed restaurant; that there are 432 parking spaces existing, and the site requires 602 parking spaces; that the applicant is also seeking a number of façade signs greater than permitted; the applicant proposes 12 façade signs where 1 façade sign is permitted and 10 façade signs are existing; that the applicant is also seeking a façade sign projection proposed where same is not permitted.

Mr. Freud testified as an engineer and gave testimony concerning the existing conditions at the site; he identified the property; that the applicant will occupy approximately 3,000 square feet; he also testified as to the location of parking spaces, utilities, lighting and landscaping as well as the location of signs; that 602 parking spaces are required, 432 are proposed; that there is a 170 parking space deficit and a variance is required; that the façade signs permitted are 1, there are 10 existing, and the applicant is proposing 12; that the applicant is also proposing a sign projection where such sign is not permitted; that there will be 43 seats in the premises.

Offered into evidence were the following:

“A-1” Aerial Map Exhibit;

“A-2” Site Plan Rendering of the overall site plan; and

“A-3” Survey of the premises.

Mr. Taylor testified as a traffic engineer and stated that he prepared the traffic report dated October 27, 2020, concerning the site in question; he testified as to the existing conditions, site generated traffic, site access, parking and circulation, local ordinance parking requirements, the existing parking demand as indicated by ITE which is the Institute of Transportation Engineers; that he also testified as to trip generation, access and egress to the site, site and internal circulation designed to provide for safe and efficient movement of automobiles; that the parking supply and design is sufficient to accommodate the proposed use; that in his opinion, the adjacent streets will not experience any significant degradation in operating conditions with proposed re-occupancy of the site by the applicant; that the site driveways are located to provide safe and efficient access to adjacent roadway systems; that the site as proposed provides for good circulation throughout the site and provides adequate parking to accommodate the project and its needs.

Mr. Flynn testified as a planner and offered into evidence as “A-4” a packet of photographs and Tax Parcel Map; that the applicant does not request a drive-thru at the site; that the proposed Popeye’s Chicken Restaurant will occupy approximately 3,000 square feet of the existing building; that a D-1 variance is requested for a fast food restaurant with counter service; that the site is suitable for the proposed use; that the site promotes the general welfare; that the proposed use fits well with the surrounding area; that there are no negative impacts on the zone plan; that the proposal promotes the purposes of the Master Plan, especially Goal 6; that the applicant has sustained the burden of proof for the grant of a use variance, bulk variances, and conditional use variances; that 45 parking spaces are provided for the proposed use which is adequate.

The Board acknowledged receipt of report of its planner, Gregory Associates, LLC, dated April 21, 2021, and revised May 19, 2021.

After a review of the testimony, Comr Louis DeStefano moved to grant the application, citing the fact that there is adequate parking at the site; that there are no objectors to the application; subject to the no garbage pick-up before 7 A.M., and the

conduct of hours will be from 10 A.M. to 11 P.M., seven days a week. Comr DeStefano instructed the Counsel Secretary to prepare the proper Resolution for approval. 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.

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 George Foukas, seconded by Chrmn Mark Zecchino, and affirmed by Comrs George Foukas and Chrmn Mark Zecchino, the Resolution DENYING the application of MICHAEL PONCE for a use variance to construct a 4-unit residential building within an RB2 zone at 347 Piaget Avenue, Block 18.02, Lot 6, was adopted. RB2
2. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MAIN TROAST PROPERTIES, LLC for front yard and right side yard setback variances to enclose a 282 square foot section of the front of the building at 1368 Main Avenue, 363 Getty Ave. a/k/a 1378 Main Avenue, Block 10.11, Lot 1 and 25, was adopted. M2
3. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of BRADLEY JENNIFER COLWELL for front yard, right side yard, and combined side yard setback variances for a second floor addition at 50 East Normal Avenue, Block 74.09, Lot 15, was adopted. RA1
4. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of GEORGE PETROPOULAKIS for a rear yard setback variance to build a roof over the patio in the rear yard at 3 Canterbury Court, Block 51.03, Lot 7, was adopted. RA1
5. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VERONICA & RICHARD AMATI for a rear yard setback variance for a second floor addition at 182 Patricia Place, Block 71.01, Lot 39, was adopted. RA3
6. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ELIZABETH MORONTA for lot coverage, right side yard setback, rear yard setback, and combined side yard setbacks for a one-story rear addition at 2 Nash Avenue, Block 2.06, Lot 31, was adopted. RB1

7. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JOHAN KAFIL & TSUNGAS PETROLEUM, INC. for use variance for a mixed use retail and a multi-family residential structure containing 9 residential units at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, was adopted. BC

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

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF MAY 19, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PALESTINIAN AMERICAN COMMUNITY CENTER for premises known as: 386 & 390 Lakeview Ave., Block 5.24, Lots 12 and 15 be and the same is hereby: GRANTED conditional use variances and preliminary and final major site plan approval for a community center at 386 Lakeview Avenue, Lot 15; and an art gallery at 390 Lakeview Avenue, Lot 12.

Testimony concerning the aforesaid application was taken by the Board at its meetings on April 21, 2021, and May 19, 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 conditional use variances and preliminary and final major site plan approval as aforesaid to occupy the existing structure on Lot 15 with a community center and demolish the existing building on Lot 12 and construct a two-story art gallery at premises located at 386 and 390 Lakeview Avenue, Block 5.24, Lot 12 and 15, which premises are located in a B-C zone; and

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

WITH RESPECT TO LOT 15, 386 LAKEVIEW AVE.-COMMUNITY CENTER:

- a. The applicant has utilized the site for the past seven years as a community center;
- b. A conditional use variance is required since the applicant is deficient in lot area, lot width, lot depth, front yard (side and both), side yard, rear yard, building coverage, and number of parking spaces;
- c. Based upon the testimony of the applicant's planner, the proposal satisfies the positive and negative criteria required for the approval of a D3 conditional use variance;
- 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;
- f. The proposal does promote the goals of the Master Plan for redevelopment of older areas;
- g. The proposal does promote the purposes of zoning set forth in N.J.S.A. 40:55D-2;
- h. There will be no detriment to the area;

WITH RESPECT TO LOT 12, 390 LAKEVIEW AVE.-ART GALLERY:

- a. The existing building will be demolished, and the applicant will construct a two-story art gallery;
- b. A conditional use variance is required since the applicant is deficient in lot area, lot width, lot depth, side yard-street side, side yard (one, both), rear yard, and number of parking spaces;
- c. Based upon the testimony of the applicant's planner, the proposal satisfies the positive and negative criteria required for the approval of a D3 conditional use variance;

- 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;
- f. The proposal does promote the goals of the Master Plan for redevelopment of older areas;
- g. The proposal does promote the purposes of zoning set forth in N.J.S.A. 40:55D-2;
- h. There will be no detriment to the area; 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 since it provides for a revitalization and redevelopment of older areas; and

WHEREAS, the Board further finds that there is adequate parking on Lot 12 to satisfy the demands required for parking on Lot 15 as well as Lot 12; and

WHEREAS, the Board further has conditioned upon both uses continuing, and in the event that any one of the uses ceases, then the approvals granted herein and the conditional use variances, preliminary and final major site plan approval, will be null and void since the Board, in ruling on this matter, has determined that each use is interrelated with the other;

NOW THEREFORE, BE IT RESOLVED that the application for conditional use variance, preliminary and final site plan approval, bulk variances, and parking variances previously set forth herein at premises located at 386 and 390 Lakeview Avenue, Block 5.24, Lots 12 and 15, be and the same are hereby approved and the conditional use variance, preliminary and final major site plan approval, bulk variances and parking 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 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 MAY 19, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ANDREW CARELL for premises known as: 80 Warren Street, Block 22.12, Lot 11 be and the same is hereby: GRANTED variance for a 0-foot setback between driveway and side yard line to install a 12.5-foot-wide driveway on the right side of the property.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 19, 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 for a 12.5-foot-wide driveway on the right side of the premises at premises located at 80 Warren Street, Block 22.12, Lot 11, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to install a 12.5-foot-wide driveway on the right side of the premises;
- b. The setback required is 5 feet, and the applicant is proposing 0 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 proposed driveway will help alleviate traffic in the neighborhood by taking vehicles off the street and parking same on applicant's property which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 0-foot setback between driveway and side yard line to install a 12.5-foot-wide driveway on the right side of the property at premises located at 80 Warren Street, Block 22.12, Lot 11, 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 Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 19, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: MELANA MALLAH
for premises known as: 34 Oak Ridge Road, Block 41.14, Lot 7
be and the same is hereby: GRANTED VARIANCE FOR A 5-FOOT-HIGH
SOLID FENCE WITH 1-FOOT LATTICE ON TOP, FOR A TOTAL OF 6 FEET,
IN THE REAR YARD.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 19, 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 to erect a 6-foot-high solid fence in the rear yard at premises located at 34 Oak Ridge Road, Block 41.14, Lot 7, 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 has agreed to erect a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, in the rear yard;
- b. The fence is for a pool barrier and for safety and privacy purposes;
- 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 erect a 5-foot-high solid fence with a 1-foot lattice on top at premises located at 34 Oak Ridge Road, Block 41.14, 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 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.

MEETING OF MAY 19, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: JAMIE LYNNE SALEK
for premises known as: 1239 Valley Road, Block 74.06, Lot 17
be and the same is hereby: GRANTED VARIANCES FOR TWO-STORY
ACCESSORY STRUCTURE AND HEIGHT VARIANCE TO REPLACE AN
EXISTING GARAGE WITH A TWO-STORY "BARN" ACCESSORY
STRUCTURE.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 19, 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 to replace an existing garage with a two-story "barn" accessory structure at premises located at 1239 Valley Road, Block 74.06, Lot 17, 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 replace an existing garage with a 16- by 24-foot two-story "barn" accessory structure;
- b. Variances are requested for a two-story accessory structure where one-story is permitted;
- c. A variance is required for height of accessory structure where 14 feet maximum is permitted and 15.3 feet is proposed;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a two-story "barn" accessory structure at premises located at 1239 Valley Road, Block 74.06, Lot 17, be and the same is hereby approved and the variance be and the same is hereby granted **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 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 MAY 19, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,**
that the application of: **MAIN AVENUE CHICKEN LLC (POPEYE'S)**
for premises known as: **16 Main Avenue, Block 82.06, Lots 7 and 14**
be and the same is hereby: **GRANTED preliminary and final major site plan**
approval, use variance, conditional use variance, bulk variances to utilize a portion
of one of the existing commercial buildings for a proposed restaurant with counter
space.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 19, 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 proposes to occupy a portion of the existing building located at 16 Main Avenue and occupy it as a POPEYE'S CHICKEN restaurant with counter space at premises located at 16 Main Avenue, Block 82.06, Lots 7 and 14, which premises are located in a PMU zone; and

WHEREAS, the applicant is also seeking conditional use variance approval to permit off street parking spaces to be located elsewhere than on the same lot with the use to which it is appurtenant; and

WHEREAS, the applicant is also seeking bulk variances for number of parking spaces, number of parking spaces, number of façade signs, and façade sign projection at the subject premises which are located in a PMU Planned Mixed Use Zone; and

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

- a. The applicant proposes to occupy a portion of the existing building located at 16 Main Avenue, and occupy it as a POPEYE'S CHICKEN restaurant with a counter;
- b. The applicant presented three expert witnesses, a design engineer, a traffic engineer, and a planner to give testimony in support of the application;
- c. The Board had the benefit of a report from its planning consultant, Gregory Associates, LLC, dated May 18, 2021;
- d. Based upon the testimony of its design engineer, the site is suitable for its intended use;
- e. Based upon the testimony of its traffic engineer, the site and internal circulation of traffic is designed to provide for safe and efficient movement of automobiles, and that there is sufficient parking at the site to accommodate the proposed use;
- f. Based upon the testimony of the applicant's planner, the proposal promotes the general welfare, the use fits well with the surrounding area, and there will be no negative impacts on the zone plan;
- g. The applicant has satisfied the positive and negative criteria required for the D1 use variance and D3 conditional use variance;
- h. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- i. 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 more specifically, it does promote the Goal 6 of the Master Plan; and

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since there is adequate parking and good circulation throughout the site to accommodate the proposed restaurant;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to occupy a portion of the existing building as a restaurant with counter space at premises located at 16 Main Avenue, Block 82.06, Lots 7 and 14, be and the same is hereby approved and the preliminary and final major site plan approval, use variance, conditional use variance, and bulk variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

A. PASSAIC COUNTY PLANNING BOARD APPROVAL;

B. NO GARBAGE PICK-UP BEFORE 7 A.M.;

C. HOURS OF OPERATION WILL BE 10 A.M. TO 11 P.M., SEVEN DAYS A WEEK; 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 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.