

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 2, 2021. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS GEORGE SILVA, ZALMAN GURKOV, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS SCOTT SOCHON, DANIEL TRENK, AND VICE-CHRMN GERARD SCORZIELLO.

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 Louis DeStefano, seconded by Comr Michael Molner, the Minutes of the May 19, 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 previously continued to the July 21, 2021, meeting of the Board.

NEW HEARINGS

1. **JOSEPH AND MARIE HERTILUS,**
Variance 171 Charles Street, Block 62.05, Lot 9
-- RA1 – Applicant proposes to install a 5' high, solid fence behind their house along Churchill Drive where a 4' high, 50% open fence is permitted.

The applicants, residing at 171 Charles Street, Clifton, New Jersey, were present and sworn. There was one interested party, William J. Powers of 85 Churchill Drive, Clifton, New Jersey.

Joseph Hertilus testified that he proposes to install a 5-foot-high solid fence behind the subject premises along Churchill Drive where a 4-foot-high 50% open fence is permitted; that the reason for the request is for safety and privacy for a special needs daughter.

Mr. Powers indicated that he had no objections to the application.

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 application. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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. **NENA DIMAANO**, 739 Bloomfield Ave.,
Variance Block 57.01, Lot 3 – RA3 – Applicant proposes
to install a 5' solid fence alongside the
house and in the yard on the Parson Road
side where a 4' high, 50% open fence is
permitted.

The applicant, residing at 739 Bloomfield Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Comr George Foukas excused himself from participating in the matter.

The applicant testified that she proposes to install a 5-foot-high solid fence along the house and in the yard on the Parson Road side where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for privacy and security.

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 Zalman Gurkov. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino. By a five 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. **LILLIAN BARNHART & CHARLIE**
Variances **VELEHRADSKY**, 70 Christie Avenue,
Block 2.10, Lot 69 – RB1 – Applicant
proposes to install a 6' high, solid fence
along the right side of the house where a
4' high, 50% open fence is permitted. Also,
6' high fence is proposed in rear yard,
right side, where a 5' high fence is
permitted.

The applicants, residing at 70 Christie Avenue, Clifton, New Jersey, were present and sworn. Also present was Samantha Sanchez of 70 Christie Avenue, Clifton, New Jersey, an interested party.

Lillian Barnhart testified that she requests variance approval to install a 6-foot-high solid fence along the right side of the house where a 4-foot-high 50% open fence is permitted; that she is also requesting approval for a 6-foot-high fence in the rear yard where a 5-foot-high fence is permitted; that the purpose of the fences is for privacy and security and to keep the four dogs which they own on the premises; that the next door neighbor has three dogs, two of which are pit bulls, and they are concerned about the safety of their dogs on their property.

After a review of the testimony, Comr Zalman Gurkov 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, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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. **LEOAN MENDEZ**, 403 Highland Avenue,
Variances Block 21.08, Lot 10 – RB2 – Applicant
proposes a rear two-story addition. The
following variances are required:
1) Right side yard is 3'3" where 12'
minimum is required;
2) Existing non-conforming lot width.

The applicant, residing at 403 Highland Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes a rear two-story addition of approximately 16 feet; that the variances requested are the right side yard setback where 12 feet is required, and he is proposing 3.3 feet; that there is an existing, non-conforming lot width.

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 variances requested. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

5. **DAWN BARTOLOZZI**, 21 Emma Place,
Variances Block 43.11, Lot 09 – RB1 – Applicant
proposes a second story addition and rear
deck. The following variances are requested:
1) Right side yard is 1.2' where 6' is
required.
2) Combined side yards are 5.47' where 16'
is required.
3) Lot coverage proposed at 28.7% where 27%
is permitted.
4) Front yard setback is 10.3' where 25' is
required.

The applicant and her husband, Joseph, residing at 21 Emma Place, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that she proposes a second story addition and a rear deck to the subject premises; that the right side yard setback requirement is 6 feet, and she is proposing 1.2 feet; that the combined side yard setback requirement is 16 feet, and she is proposing 5.47 feet; that the lot coverage permitted is 27 percent, and she is requesting 28.7 percent; that the front yard setback requirement is 25 feet, and the application is for 10.3 feet; that the applicant's hardship is the narrow shape of the property.

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, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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.
Variances

AVRAHAM KATZ, 119 South Parkway, Block 60.09, Lot 23 – RA3 – Applicant proposes to build a two-story, rear addition and renovate the existing home. The following variances are requested:
1) Street side yard setback is 8'10" where 10' is required;
2) Lot coverage is proposed at 28.2% where 27% is permitted;
3) Attached garage will be reduced to 13'4" where 19' is required for a parking space. A variance is required for a driveway leading to the house not serving a garage.

The applicant, residing at 119 South Parkway, Clifton, New Jersey, was present and affirmed to give testimony in the matter. There were no objectors.

The applicant testified that he proposes to build a two-story rear addition and renovate the existing home at the subject premises; that he requests the following variances: 1) street side yard setback requirement is 10 feet and he is proposing 8 feet 10 inches; 2) that the lot coverage permitted is 27 percent, and he is proposing 28.2 percent; 3) that the attached garage will be reduced to 13 feet 4 inches where 19 feet is required for a parking space; 4) a variance is required for a driveway leading to the house not serving a garage.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

7. **MIGUEL RODRIGUEZ**, 46 East Clifton Ave.,
Variances Block 7.04, Lot 39 – RB2 – Applicant proposes
to build a second floor addition, rear deck and
roof over front stoop. The following variances
are requested:
1) Front yard setback is 6.2' to the house and
2.2' to the roof over the stoop where 25' is
required;
2) Rear yard setback is proposed at 34.26' to
the deck where 35' is required;
3) Right side yard is 4.0' where 6' is required.
4) Lot coverage proposed at 28% where 27%
is permitted.

The applicant, residing at 46 East Clifton Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Todd L. Koenig, an architect, with offices at 175 North Main Street, Wharton, New Jersey. There were no objectors.

Mr. Rodriguez testified that he proposes to build a second floor addition, rear deck, and roof over the front stoop.

Mr. Koenig testified as an architect and reviewed the plans; that the applicant is seeking the following variances: 1) the front yard setback is 6.2 feet to the house and 2.2 feet to the roof over the stoop where 25 feet is required; 2) the rear yard setback requirement is 35 feet, and the applicant is proposing 34.26 feet; 3) the right side yard setback requirement is 6 feet, and the applicant is proposing 4 feet; 4) the lot coverage permitted is 27 percent, and the applicant is proposing 28 percent.

There was some discussion concerning the two-fixture bathroom located in the basement, and the Board authorized Zoning Officer Daniel Howell to investigate and determine if a proper permit was obtained for the two-fixture bathroom. If a permit was not properly obtained, then the two-fixture bathroom must be removed.

After a review of the testimony, Comr George Foukas moved to approve the application with the stipulation that the Zoning Officer determine whether the two-fixture bathroom presently located at the premises in the basement has the proper permit, otherwise, the two-fixture would be required to be removed. Comr Foukas instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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.

8. **AARON YOUNGER**, 94 Rutherford Blvd.,
Variances Block 60.10, Lot 20 – RA3 – Applicant proposes
a two-story, rear addition and a second floor
addition over the existing attached garage.
The following variances are requested:
1) Left side yard is 4.41' where 6' is required.
2) Front yard is 21.42' where 25' is required;
3) Combined side yards are 10.58' where 16'
is required.
4) Proposed lot coverage is 27.44% where 27%
is permitted.

The applicant, residing at 94 Rutherford Boulevard, Clifton, New Jersey, was present and affirmed to give testimony. Also present and sworn was Lawrence P. Quirk, an architect, with offices at 15 Union Avenue, Rutherford, New Jersey. There were no objectors.

The applicant testified that he proposes a two-story rear addition and a second floor addition over the existing attached garage.

Mr. Quirk testified as an architect and reviewed the plans and indicated that the applicant was seeking the following variances: 1) the left side yard setback requirement is 6 feet, and the applicant is proposing 4.41 feet; 2) the front yard setback requirement is 25 feet, and the applicant is proposing 21.42 feet; 3) the combined side yard setback requirement is 16 feet, and the applicant is proposing 10.58 feet; and 4) the lot coverage permitted is 27 percent, and the applicant is seeking 27.44 percent.

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 variances requested. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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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upon which this decision is based.

9. **STEVEN BAHO – 750 VAN HOUTEN, LLC**,
Use 750 Van Houten Avenue, Block 36.13, Lots 27
Variance and 29 – B-C – Applicant seeks approval to
operate a sit-down Gong Cha “Bubble Tea”
restaurant. A “d” 3 conditional use variance
is required as the existing building does not
meet bulk requirements. If approved, the
Bubble Tea Shop will operate in the area
previously used by a hair salon and next to the
Carvel Ice Cream Shop. The Applicant is also
seeking such additional or other variances,
exceptions, approvals, permits, waivers, or
relief from or pursuant to the Ordinance,
including waivers of design standards and/or

submission requirements, as may be determined to be necessary to develop the Premises in the manner indicated in the application, plans and materials.

Bianca P. Pereiras, Esq., with offices at 1116 Summit Avenue, Union City, New Jersey, appeared on behalf of the applicant. The applicant, Steven Baho, was present and sworn. Also present and sworn was Manuel J. Pereiras, an architect, with offices at 1116 Summit Avenue, Union City, New Jersey. There were no objectors.

Ms. Pereiras stated that the applicant seeks approval to operate a sit-down Gong Cha "Bubble Tea" restaurant at the subject premises; that a D3 conditional use variance is required since the existing building does not meet the bulk requirements.

Manuel Pereiras testified as an architect and reviewed the plans, indicating that a D3 conditional use variance is required; that there is a Carvel store at the site which operates in 1,700 square feet of commercial space; that the applicant will be occupying 780 square feet to operate the Bubble Tea shop; that the space was previously utilized as a beauty salon; that the site has parking in the rear for 11 parking spaces, including one ADA accessible space; that there is seating for eight in the interior.

Mr. Baho testified that there will be no cooking on the site; that the hours of operation generally will be from 10 A.M. to 6:30 P.M., seven days a week; that he will employ generally one to two employees at any one time and four employees during peak hours.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application with the stipulation that there would be no cooking on the site. Comr Gurkov further instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a six 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 Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PALESTINIAN AMERICAN COMMUNITY CENTER for 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, at premises located at 386 and 390 Lakeview Avenue, Block 5.24, Lots 12 and 15, was adopted. B-C

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ANDREW CARELL for 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 at 80 Warren Street, Block 22.12, Lot 11, was adopted. RA3

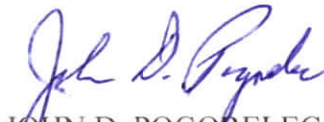
3. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MELANA MALLAH for variance for a 5-foot-high solid fence with 1-foot lattice on top, for a total of 6 feet, in the rear yard at 34 Oak Ridge Road, Block 41.14, Lot 7, was adopted. RA2

4. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAMIE LYNNE SALEK for variances for two-story accessory structure and height variance to replace an existing garage with a two-story "barn" accessory structure at 1239 Valley Road, Block 74.06, Lot 17, was adopted. RA1

5. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MAIN AVENUE CHICKEN LLC (POPEYE'S) for 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 at 16 Main Avenue, Block 82.06, Lots 7 and 14, was adopted. PMU

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 JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOSEPH AND MARIE HERTILUS for premises known as: 171 Charles Street, Block 62.05, Lot 9 be and the same is hereby: GRANTED variance to install a 5-foot-high solid fence behind the house along Churchill Drive.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 applicants request variance approval to install a 5-foot-high solid fence behind their house along Churchill Drive at premises located at 171 Charles Street, Block 62.05, Lot 9, which premises are located in an RA1 zone; and

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

- a. The applicant proposes to install a 5-foot-high solid fence behind their house along Churchill Drive where a 4-foot-high 50% open fence is permitted;
- b. The purpose of the fence is to provide for privacy and security;
- 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 a 5-foot-high solid fence behind the house along Churchill Drive at premises located at 171 Charles Street, Block 62.05, Lot 9, 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 MICHAEL MOLNER.
Seconded by: Comr ZALMAN GURKOV.
Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NENA DIMAANO for premises known as: 739 Bloomfield Avenue, Block 57.01, Lot 3 be and the same is hereby: GRANTED variance to install a 5-foot-high solid fence along the house and in the yard on the Parson Road side.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 install a 5-foot-high solid fence along the house and in the yard on the Parson Road side at premises located at 739 Bloomfield Avenue, Block 57.01, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes to install a 5-foot-high solid fence along the house and in the yard on the Parson Road side where a 4-foot-high 50% open fence is permitted;
- b. The purpose of the fence is for privacy and security;
- 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 install a 5-foot-high solid fence along the house and in the yard on the Parson Road side at premises located at 739 Bloomfield Avenue, Block 57.01, Lot 3, 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 SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; 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 ZALMAN GURKOV.
Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LILLIAN BARNHART & CHARLIE VELEHRADSKY for premises known as: 70 Christie Avenue, Block 2.10, Lot 69 be and the same is hereby: GRANTED variance approval to install a 6-foot-high solid fence along the right side of the house and a 6-foot-high solid fence in the rear yard, right side.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to install a 6-foot-high solid fence along the right side of the house and a 6-foot-high solid fence in the rear yard at premises located at 70 Christie Avenue, Block 2.10, Lot 69, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to install a 6-foot-high solid fence along the right side of the property where a 4-foot-high 50% open fence is permitted;
- b. The applicant also requests approval to install a 6-foot-high solid fence in the rear yard, right side where a 5-foot-high fence is permitted;
- c. The purpose of the fence is to provide for privacy and security and keep the four dogs which they own on the property;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to install a 6-foot-high solid fence along the right side of the house and a 6-foot-high solid fence in the rear yard, right side, at premises located at 70 Christie Avenue, Block 2.10, Lot 69, 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 ZALMAN GURKOV.

Seconded by: Comr GEORGE SILVA.

Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**,
that the application of: **LEOAN MENDEZ**
for premises known as: **403 Highland Avenue, Block 21.08, Lot 10**
be and the same is hereby: **GRANTED** bulk variances for right side yard setback
and existing, non-conforming lot width for a rear two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 rear two-story addition at premises located at 403 Highland Avenue, Block 21.08, Lot 10, which premises are located in an RB2 zone; and

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

- a. The applicant proposes a rear two-story addition at the subject premises;
- b. The right side yard setback requirement is 12 feet, and the applicant is proposing 3 feet 3 inches;
- c. The property has an existing, non-conforming lot width;
- 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 rear two-story addition at premises located at 403 Highland Avenue, Block 21.08, Lot 10, be and the same is hereby approved and the variances for right side yard setback and existing, non-conforming lot width 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, IF REQUIRED; 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 GEORGE SILVA.
Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DAWN BARTOLOZZI for premises known as: 21 Emma Place, Block 43.11, Lot 09 be and the same is hereby: GRANTED right side yard setback, combined side yards, lot coverage, and front yard setback variances for a second story addition and rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 for a second story addition and rear deck at premises located at 21 Emma Place, Block 43.11, Lot 09, 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 second story addition and rear deck at the subject premises;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 1.2 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 5.47 feet;
- d. The lot coverage permitted is 27 percent, and the applicant is proposing 28.7 percent;
- e. The front yard setback requirement is 25 feet, and the applicant is proposing 10.3 feet;
- f. The hardship is the narrowness of the lot;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE. BE IT RESOLVED that the application to erect a second story addition and rear deck at premises located at 21 Emma Place, Block 43.11, Lot 09, be and the same is hereby approved and the variances for right side yard setback, combined side yards, lot coverage, and front yard setback 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 FOUKAS.

Seconded by: Comr GEORGE SILVA.

Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AVRAHAM KATZ for premises known as: 119 South Parkway, Block 60.09, Lot 23 be and the same is hereby: GRANTED variances for street side yard setback, lot coverage, reduction of the height of garage, and variance for a driveway leading to the house not serving a garage to build a two-story rear addition and renovate the existing home.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to build a two-story rear addition and renovate the existing home at premises located at 119 South Parkway, Block 60.09, Lot 23, 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 build a two-story addition and renovate the existing home;
- b. The street side yard setback requirement is 10 feet, and the applicant is proposing 8 feet 10 inches;
- c. The lot coverage permitted is 27 percent, and the applicant is proposing 28.2 percent;
- d. The attached garage will be reduced to 13'4" where 19' is required;
- e. The applicant requests approval for a driveway leading to the house not serving a garage;
- 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 build a two-story rear addition and renovate the existing home at premises located at 119 South Parkway, Block 60.09, Lot 23, be and the same is hereby approved and the variances for street side yard setback, lot coverage, height of attached garage, and driveway leading to the house not serving a garage 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 ZALMAN GURKOV.

Seconded by: Comr GEORGE FOUKAS.

Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MIGUEL RODRIGUEZ for premises known as: 46 East Clifton Avenue, Block 7.04, Lot 39 be and the same is hereby: GRANTED bulk variances for front yard setback, rear yard setback, right side yard setback, and lot coverage to build a second floor addition, rear deck, and roof over front stoop.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 build a second floor addition, rear deck, and roof over the front stoop at premises located at 46 East Clifton Avenue, Block 7.04, Lot 39, which premises are located in an RB2 zone; and

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

- a. The applicant proposes to build a second floor addition, rear deck, and roof over front stoop at the subject premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 6.2 feet to the house and 2.2 feet to the roof over the stoop;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing 34.26 feet;
- d. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.0 feet;
- e. The lot coverage permitted is 27 percent, and the applicant is proposing 28 percent;
- f. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a second floor addition, rear deck, and roof over front stoop at premises located at 46 East Clifton Avenue, Block 7.04, Lot 39, be and the same is hereby approved and the variances for front yard setback, rear yard setback, right side yard setback, and lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING STIPULATIONS:**

A. THAT THE ZONING OFFICER REVIEW THE FILES TO DETERMINE WHETHER A TWO-FIXTURE BATHROOM RECEIVED THE PROPER PERMIT, AND IN THE EVENT THAT THE PROPER PERMIT HAS NOT BEEN ISSUED, THEN THE TWO-FIXTURE BATHROOM MUST BE REMOVED; 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 LOUIS DE STEFANO.

Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AARON YOUNGER for premises known as: 94 Rutherford Boulevard, Block 60.10, Lot 20 be and the same is hereby: GRANTED variances for left side yard setback, front yard setback, combined side yards, and lot coverage to erect a two-story rear addition and a second floor addition over the existing attached garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 two-story rear addition and a second floor addition over the existing attached garage at premises located at 94 Rutherford Boulevard, Block 60.10, Lot 20, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a two-story rear addition and a second floor addition over the existing attached garage;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.41 feet;
- c. The front yard setback requirement is 25 feet, and the applicant is proposing 21.42 feet;
- d. The combined side yard requirement is 16 feet, and the applicant is proposing 10.58 feet;
- e. The lot coverage permitted is 27 percent, and the applicant is proposing 27.44 percent;
- 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 two-story rear addition and a second floor addition over the existing attached garage at premises located at 94 Rutherford Boulevard, Block 60.10, Lot 20, 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 GEORGE SILVA.
Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JUNE 2, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STEVEN BAHO – 750 VAN HOUTEN, LLC for premises known as: 750 Van Houten Avenue, Block 36.13, Lots 27 and 29 be and the same is hereby: GRANTED a D3 conditional use variance to operate a sit-down Gong Cha “Bubble Tea” restaurant.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 2, 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 Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests D3 conditional use variance approval to operate a sit-down Gong Cha “Bubble Tea” restaurant at part of the premises located at 750 Van Houten Avenue, Block 36.13, Lots 27 and 29, which premises are located in a B-C 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 seeks approval to operate a sit-down Gong Cha “Bubble Tea” restaurant at the subject premises;
- b. A conditional use variance is required since the existing building does not meet bulk requirements;
- c. Carvel operates 1,700 square feet of commercial space at the existing site, and the applicant will be utilizing 780 additional square feet to operate the Bubble Tea restaurant;
- d. The site was previously used as a beauty salon;
- e. The site has sufficient parking for 11 vehicles and 1 ADA accessible parking space;
- f. There will be no cooking on the site, and the hours of operation will be from 10 A.M. to 6:30 P.M., seven days a week;
- g. There will be seating for eight individuals;
- h. The applicant has satisfied the burden of proof for the grant of the conditional use variance;
- 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

WHEREAS, the Board further finds that there is sufficient parking at the site to accommodate the proposed use which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a sit-down Gong Cha “Bubble Tea” restaurant at premises located at 750 Van Houten Avenue, Block 36.13, Lots 27 and 29, be and the same is hereby approved and the conditional use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING STIPULATIONS:**

- A. THAT THERE BE NO COOKING ON THE SITE;**
- B. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED;** 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 Zalman Gurkov.

Seconded by: Comr George Silva.

Affirmed by: Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.