

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 16, 2021. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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

Upon motion made by Comr Scott Sochon, seconded by Comr George Foukas, the Minutes of the June 2, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | <p>LEXINGTON PARTNERS, LLC,
340 Lexington Avenue, Block 8.22,
Lots 37 and 39 – RB3 – Applicant
requests the following:</p> <ul style="list-style-type: none">1) A D.6 (Height Use Variance 3 stories and 35’ Permitted, 4 stories and 48’ 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. **PERLA RODRIGUEZ**, 723 Allwood Road, Block 67.07, Lot 3 – RA3 – Applicant proposes a 2nd floor rear addition. The following variances are required;
- 1) Right side yard is 3.93’ where 6’ is required.
 - 2) Combined side yards are 13.84’ where 16’ is required.
 - 3) Rear yard is 26.54’ where 35’ is required.
 - 4) Lot coverage proposed at 30.23% where a maximum of 27% is permitted.

The applicant, residing at 723 Allwood Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Chris Blake, an architect, with offices at 24 New Bridge Road, Bergenfield, New Jersey. There were no objectors.

The applicant testified that she requests variance approval for a second floor rear addition at the subject premises.

Mr. Blake testified as an architect and reviewed the plans prepared by him; that the second floor rear addition will be increasing the lot floor area by 117 square feet on the first floor and 461 square feet on the second floor; that presently, there is 1,565 square feet which is expanded to 2,143 square feet; that the applicant is seeking variances for the right side yard setback where the requirement is 6 feet, and the applicant is proposing 3.93 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 13.84 feet; that the rear yard setback requirement is 35 feet, and the applicant is proposing 26.54 feet; that the lot coverage permitted is 27 percent, and the applicant is requesting 30.23 percent; that the addition will not be detrimental to the neighborhood.

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 Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **JAYESHKUMAR GAHDHI**, 47 Sipp Avenue,
Variances Block 42.08, Lot 43 – RB1 – Proposal is to build
a two-story rear addition and a rear yard deck.
The following variances are requested:
1) Lot coverage proposed at 39% where 27% is
permitted.
2) Left side yard proposed at 3.3' where 6' is
required.
3) Combined side yards are 13.85' where 16' is
required (existing condition).

The applicant, residing at 47 Sipp Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a two-story rear addition and a rear deck at the subject premises; that the variances requested are as follows: the lot coverage permitted is 27 percent, and he is seeking 39 percent; that the left side yard setback requirement is 6 feet, and he is proposing 3.3 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 13.85 feet; that the purpose of the addition is to provide for more living space; that the structure will remain a one-family dwelling.

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 Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3.	STYERTOWNE SHOPPING CENTER LLC,
Use	1051 Bloomfield Avenue, Block 79.01, Lot 1—
Variance	B-D – A use variance to permit the conversion of half of the second floor and all of the third floor of the building existing in Styertowne Shopping Center along the ramp from Route 3 down to Bloomfield Avenue in what had formerly been the Rowe Manse Emporium building and which has since been occupied by Dress Barn and Jembro and is now completely vacant to PLANET FITNESS , a health and fitness club, which is not a permitted use in the zone, together with site plan approval.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: John Montoro, an architect, with offices at 150 W. Saddle River Road, Saddle River, New Jersey; Joseph Yannucci, an engineer, with offices at 300 Kimball Drive, Parsippany, New Jersey; Sean Moronski, a planner, with offices at 300 Kimball Drive, Parsippany, New Jersey; Rachel Bielert, a representative from Planet Fitness; and George Jacobs, a principal of the applicant. There also were a number of interested parties: Laszlo Novak, 144 Orchard Dr.; Gina Caporaso and Dennis Caporaso, 120 Orchard Drive; Laura Cerrone, 555 Allwood Road; Silvia Pozzeles, 24 Knoll Pl.; and Denise Regalado, 40 Linwood Terr., all of the City of Clifton, New Jersey.

Mr. Carlet stated that this is an application for a use variance to permit the conversion of half of the second floor and all of the third floor of the building in Styertowne along the ramp from Route 3 down to Bloomfield Avenue from what had formerly been the Rowe Manse Emporium building and which had been occupied by Dress Barn and Jembro and now completely vacant because Dress Barn has gone out of business and Jembro has moved to another space in the shopping center; that the application is for a use variance to replace those tenants with Planet Fitness, a health and fitness club which is not a permitted use in the zone.

John Montoro testified as an architect and reviewed the plans for the second floor demolition and proposed plan and also for the third floor; that the interior changes which are proposed are normal to a health and fitness club; that nothing is proposed to be done to the site other than underground for expanded sewerage, water service, and electrical service.

Rachel Bielert testified as a representative from Planet Fitness and gave testimony regarding interior changes which will include locker rooms, showers, treadmills, stationery bicycles, and other similar physical fitness activities; that she initially proposed the facility would be open 7 days a week and 24 hours a day; however, after discussion, it was accepted that the hours of operation would be Monday, Tuesday, Wednesday, and Thursday from 5 A.M. to Midnight; Friday from 5 A.M. to 9 P.M.; Saturday from 5 A.M. to 7 P.M.; and Sunday from 5 A.M. to 7 P.M.

Joseph Yannucci testified as an engineer and stated that he prepared the plans; he gave testimony concerning grading, drainage, and utilities, lighting, and landscaping; that the only above-ground improvement will be the construction of a concrete transformer pad along the side of Route 3 ramp which would be 10- by 10-feet in order to provide the additional electrical service required for the proposed use.

Sean Moronski testified as a planner and described the property, the existing zoning, and the surrounding land uses; that Planet Fitness proposes to occupy 21,771 square feet of vacant space in the shopping center; that the special reasons are that it promotes the purposes of zoning set forth in N.J.S.A. 40:55D-2, a, d, and g; that there will be no detriment to the zone plan and zone ordinance; that there is sufficient parking at the site.

Mr. Yannucci testified that the parking requirement is 916 parking spaces, and a variance has been granted for 775 spaces at the site.

Chrmn Zecchino noted and inquired of the objectors as to their concerns to this application. A hand count showed that the interested parties were concerning with parking and traffic as well as ingress and egress to the site.

At this point in the hearing, the matter was continued until the July 21, 2021, meeting of the Board in order to permit the applicant to obtain a traffic study and to evaluate the impact of the proposed traffic at the site.

Thereupon, the matter was continued until the meeting of July 21, 2021.

4. **458 CLIFTON LLC**, 458 Clifton Avenue,
Variances Block 12.02, Lot 24 – B-C – Applicant proposes
to expand the existing Doctor’s office space.
The following variances are requested:
1) Front yard proposed at 6.25’ where 25’ is
required.
2) Right side yard is 6.33’ where 10’ is
required.
3) Street side yard is proposed at 5.25’ where
15’ is required.
4) Combined side yards proposed at 11.58’
where 20’ is required.
5) 11 parking spaces required, 9 for the office,
and two for the second floor residential and 5
parking spaces provided.
6) Existing, nonconforming mixed use property.

Present and sworn on behalf of the applicant were the following: Dr. Magdy Wahba of 458 Clifton Avenue, Clifton, New Jersey; Amy Hummerstone, an architect, of 14 Brearly Crescent, Fair Lawn, New Jersey; and Omar Atallah of 186 Livingston Street, Clifton, New Jersey, a builder. There were no objectors.

Dr. Wahba testified that he proposes to expand the existing doctor’s office space at the subject premises.

Amy Hummerstone, the architect, testified that the applicant is seeking variances for front yard setback where 25 feet is required and 6.25 feet is proposed; right side yard setback where 10 feet is required, and the applicant is proposing 6.33 feet; street side yard setback where 15 feet is required, and the applicant is proposing 5.25 feet; combined side yards where 20 feet is required, and 11.58 feet is proposed; 11 parking spaces are required, 9 for the office and two for second floor residence, and five spaces is provided; that the existing site is a non-conforming mixed use property; that the proposed expansion will improve the neighborhood by bringing a thriving medical practice to the neighborhood and beautifying the building.

Omar Atallah gave testimony as a builder and reviewed the plans for the Board.

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

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

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 Michael Molner, seconded by Comr Zalman Gurkov, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JOSEPH AND MARIE HERTILUS for variance to install a 5-foot-high solid fence behind the house along Churchill Drive at 171 Charles Street, Block 62.05, Lot 9, was adopted. RA1
2. Upon motion made by Comr Louis DeStefano, seconded by Comr Zalman Gurkov, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NENA DIMAANO for variance to install a 5-foot-high solid fence along the house and in the yard on the Parson Road side at 739 Bloomfield Avenue, Block 57.01, Lot 3, was adopted. RA3
3. Upon motion made by Comr Zalman Gurkov, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LILLIAN BARNHART & CHARLIE VELEHRADSKY for 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 at 70 Christie Avenue, Block 2.10, Lot 69, was adopted. RB1
4. Upon motion made by Comr Louis DeStefano, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LEOAN MENDEZ for bulk variances for right side yard setback and existing, non-conforming lot width for a rear two-story addition at 403 Highland Avenue, Block 21.08, Lot 10, was adopted. RB2
5. Upon motion made by Comr George Foukas, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DAWN BARTOLOZZI for right side yard setback, combined side yards, lot coverage, and front yard setback variances for a second story addition and rear deck at 21 Emma Place, Block 43.11, Lot 09, was adopted. RB1

6. Upon motion made by Comr Zalman Gurkov, seconded by Comr George Foukas, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AVRAHAM KATZ for 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 at 119 South Parkway, Block 60.09, Lot 23, was adopted. RA3

7. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MIGUEL RODRIGUEZ for 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 the front stoop at 46 East Clifton Avenue, Block 7.04, Lot 39, was adopted. RB2

8. Upon motion made by Comr Louis DeStefano, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AARON YOUNGER for 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 at 94 Rutherford Boulevard, Block 60.10, Lot 20, was adopted. RA3

9. Upon motion made by Comr Zalman Gurkov, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVEN BAHO – 750 VAN HOUTEN, LLC for a D3 conditional use variance to operate a sit-down Gong Cha “Bubble Tea” restaurant at 750 Van Houten Avenue, Block 36.13, Lots 27 and 29, was adopted. B-C

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JUNE 16, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**,
that the application of: **PERLA RODRIGUEZ**
for premises known as: **723 Allwood Road, Block 67.07, Lot 3**
be and the same is hereby: **GRANTED** bulk variances for right side yard setback,
combined side yard setback, rear yard setback, and lot coverage for a second floor
rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 16, 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 erect a rear second floor addition at premises located at 723 Allwood Road, Block 67.07, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second floor rear addition;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 3.93 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 13.84 feet;
- d. The rear yard setback requirement is 35 feet, and the applicant is proposing 26.54 feet;
- e. The lot coverage permitted is 27 percent, and the applicant is requesting 30.23 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 second floor rear addition at premises located at 723 Allwood Road, Block 67.07, Lot 3, be and the same is hereby approved and the variances for right side yard setback, combined side yard setback, rear yard setback, and lot coverage be and the same are hereby granted subject to such further governmental approvals as may be required by law and **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 GEORGE FOUKAS.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 16, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JAYESHKUMAR GANDHI for premises known as: 47 Sipp Avenue, Block 42.08, Lot 43 be and the same is hereby: GRANTED bulk variances for lot coverage, left side yard setback, and combined side yard setback for a two-story rear addition and a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 16, 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 and a rear yard deck at premises located at 47 Sipp Avenue, Block 42.08, Lot 43, 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 to build a two-story rear addition and a rear deck at the subject premises;
- b. The lot coverage permitted is 27 percent, and the applicant is requesting 39 percent;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 3.3 feet;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 13.85 feet;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a two-story rear addition and a rear deck at premises located at 47 Sipp Avenue, Block 42.08, Lot 43, be and the same is hereby approved and the variances for lot coverage, left side yard setback, and combined side 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 LOUIS DE STEFANO.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF JUNE 16, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**,
that the application of: **458 CLIFTON LLC**
for premises known as: **458 Clifton Avenue, Block 12.02, Lot 24**
be and the same is hereby: **GRANTED** bulk variances for front yard setback, right
side yard setback, street side yard setback, combined side yard setback, parking
variance, and existing, non-conforming mixed use property to expand an existing
doctor's space.

Testimony concerning the aforesaid application was taken by the Board at its
meeting on June 16, 2021. Said testimony including the application and the plans and
exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant
the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variance approval as aforesaid to expand
the existing doctor's office space at premises located at 458 Clifton Avenue, Block 12.02,
Lot 24, which premises are located in a B-C zone; and

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

- a. The applicant proposes to expand the existing doctor's office space at the
subject premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing
6.25 feet;
- c. The right side yard setback requirement is 10 feet, and the applicant is
proposing 6.33 feet;
- d. The street side yard setback requirement is 15 feet, and the applicant is
proposing 5.25 feet;
- e. The combined side yard setback requirement is 20 feet, and the applicant is
proposing 11.58 feet;
- f. Eleven parking spaces are required, and the applicant is providing five spaces;
- g. The subject premises at the site is an existing, non-conforming mixed use
property;
- i. The applicant has shown sufficient hardship to justify the grant of the variances
requested;
- j. 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 expand the
existing doctor's office space at premises located at 458 Clifton Avenue, Block 12.02,
Lot 24, be and the same is hereby approved and the variances for front yard setback, right
side yard setback, street side yard setback, combined side yard setback, parking, and
existing, non-conforming mixed use property be and the same are hereby granted subject
to such further governmental approvals as may be required by law **SUBJECT TO THE
FOLLOWING CONDITIONS:**

**A. THAT THE LINE OF SIGHT AT THE PREMISES BE APPROVED BY
THE ZONING OFFICER;**

B. THAT THE SIZE OF THE SIGN ALSO BE APPROVED BY THE ZONING OFFICE; AND

C. 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr GEORGE FOUKAS.

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