

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, July 21, 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.

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

Upon motion made by Comr Scott Sochon, seconded by Comr Louis DeStefano, the Minutes of the June 16, 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 <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.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, requested an adjournment on behalf of the applicant. Chrmn Zecchino noted that the matter has been on the Agenda since November of 2020, and there have been numerous requests for adjournments which were granted in the past.

Thereupon, Comr Louis DeStefano moved to dismiss the matter without prejudice. 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 dismissed without prejudice 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.
Use
Variance
- STYERTOWNE SHOPPING CENTER LLC,**
1051 Bloomfield Avenue, Block 79.01, Lot 1—
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: Joseph Yannucci, an engineer with Langan Engineering, with offices at 300 Kimball Drive, Parsippany, New Jersey; Sean Moronski, a planner with Langan Engineering, with offices at 300 Kimball Drive, Parsippany, New Jersey; and Alan

Lothian, P.E. traffic engineer with Langan Engineering, with offices at 300 Kimball Drive, Parsippany, New Jersey. There was one objector: Laura P. Cerrone, 555 Allwood Road, Clifton, New Jersey.

This is a continued hearing from the meeting of June 16, 2021.

Mr. Carlet stated that in accordance with the request from the Board from the previous meeting, a traffic study was performed by Langan Engineering and reviewed by the Board's engineering consultant, Neglia Engineering; that a written report was prepared dated July 8, 2021, submitted to the Board members along with the comments of Neglia Engineering in their review letter of July 20, 2021.

Alan Lothian of Langan Engineering testified that he conducted the study which considered the existing conditions at the site, the proposed conditions, a trip generation comparison between the shopping center and the proposed health fitness club, city parking requirements, existing parking demands, the results of a parking survey conducted on Tuesday, June 29, 2021, between the hours of 12 P.M. and 8 P.M. and also a parking survey which was conducted on Sunday, June 27, 2021, between the hours of 10 A.M. and 3 P.M.; that the results show that the parking demand occupancy on both dates were 52 percent and 48 percent, indicating that the existing parking supply is more than adequate to accommodate the anticipated tenants in the vacant retail space.

Mr. Lothian concluded that the proposed health fitness club tenant could occupy the 21,716 square feet vacant retail space with no adverse impact to the surrounding roadway network, operations, or parking demand with respect to the overall Styertowne Shopping Center.

Anthony Kurus of Neglia Engineering stated that Neglia Engineering concurs with the parking data and analysis presented and concludes that approximately 370 parking spaces would be available during peak hour demand.

Laura P. Cerrone, an objector, testified that she has been a tenant at the premises for quite some time and that parking and traffic, as well as ingress and egress, will be negatively impacted as a result of the proposed application.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the hours of operation would be Monday through Thursday from 5 A.M. to Midnight; Friday 5 A.M. to 9 P.M.; Saturday 5 A.M. to 7 P.M.; and Sunday 5 A.M. to 7 P.M. and further subject to Passaic County Planning Board approval, if required. 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.

NEW HEARINGS

1. **CANAN BULUT**, 5 Burgh Avenue, Block 11.12,
Variances Lot 15 – RB2 – Applicant proposes to build a rear one-story addition and open rear porch. The following variances are requested:
- 1) Rear yard proposed at 30.25' where 35' is required;
 - 2) Right side yard proposed at 2.8' where a minimum of 12' is required;
 - 3) Lot coverage proposed at 34% where a maximum of 25% is permitted.

The applicant, residing at 5 Burgh Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to build a rear one-story addition and open rear porch at premises located at 5 Burgh Avenue, Clifton, New Jersey; that the rear yard setback requirement is 35 feet, and he is proposing 30.25 feet; that the right side yard requirement is 12 feet, and the applicant is proposing 2.8 feet; that the lot coverage permitted is 25 percent, and the applicant is proposing 34 percent.

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. The motion was seconded by Comr Michael Molner. 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. **ALFREDO MANCHEGO**, 169 Livingston Street,
Variances Block 27.01, Lot 8 – RA2 – Applicant proposes to build an open “gazebo” attached to the right side of their home. The following variances are requested:
- 1) Gazebo is 2' from the pool where a minimum of 10' is required.
 - 2) Gazebo is 11' from the rear lot line where 35' is required.

The applicant, residing at 169 Livingston Street, Clifton, New Jersey, was present and sworn. There was one interested party: Omar Atallah of 186 Livingston Street, Clifton, New Jersey.

The applicant testified that he proposes to build an open “gazebo” attached to the right side of the subject premises; that the proposed gazebo is 2 feet from the pool where a minimum of 10 feet is required; that the gazebo is 11 feet from the rear lot line where 35 feet is required.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the 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. **DEVINDRA LALL**, 36 Sussex Road, Block 68.08,
Variance Lot 14 – RA3 – Applicant proposes to convert a portion of their attached garage to a pantry. A car will no longer fit within the garage. A variance is requested for a driveway in front of the house that does not serve a garage.

The applicant, residing at 36 Sussex Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to convert a portion of the attached garage to a pantry; that a vehicle will no longer fit into the garage; that the variance requested is for a driveway in front of the house that does not serve a garage.

After a review of the testimony, Comr Scott Sochon moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the garage door will remain operative and that the applicant install two bollards in front of the garage doors serving the pantry. 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.

4. **MARTIN & DANA GOTTESMAN**, 48 Cresthill
Variances Ave., Block 58.13, Lot 58 – RA3 – Applicant proposes to build a two-story addition. The following variances are required:
1) Right side yard proposed at 3.96' where 6' minimum is required.
2) Combined side yards are 13.7' where 16' is required.
3) Please note *applicant was previously granted a variance for combined side yard setback for a small rear addition on 12/18/2019.

The applicants, residing at 48 Cresthill Avenue, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Martin Gottesman testified that the applicant proposes to build a two-story addition to the subject premises; that a variance was previously granted for a small addition on

December 18, 2019; that the applicant is requesting variances for the right side yard proposed at 3.96 feet where 6 feet is required; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 13.7 feet; that the premises is a one-family dwelling and will continue to remain a one-family dwelling.

There was some discussion concerning the side yard setback variance requested, and instead of the right side, the variance requested would be either in the back or on the left side of the structure.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the right side yard setback variance requested would be in the back or on the left side, but not on the right side. The motion was seconded by Comr Michael Molner. 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.

5. **CLIFTON IL, LLC**, 782, 784, 810 & 818 Valley Road, Block 44.01, Lots 11, 14, 15 & 18 – R-A1 – Use
Variance; For a subdivision to subdivide parts of Lot 15 and
Subdivision; 18 in Block 24.01 (**ST. GEORGE’S GREEK**
Variance **ORTHODOX CHURCH** property) and merge the subdivided portions with existing Lot 14 in said block which was previously approved for a thirty-one (31) unit senior citizen apartment development; a Use Variance for fifty (50) senior citizen apartment units, eliminating the prior approval given to Lot 14, and create a new senior citizen independent living facility connected to the new assisted living facility; and a use variance given to said Lot 11 permitting residents and users who stay at the assisted living facility to utilize part of the excessive parking provided for the said fifty (50) unit senior citizen independent living facility; and bulk variance to permit construction of part of the parking area for the new fifty (50) unit facility to be constructed on part of the steep slope zone area.

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: Tung-To Lam, P.E., Bohler Engineering, 30 Independence Boulevard, Warren, New Jersey; and Douglas J. Coleman, AIA, PP, architect, of King George Plaza, 266 King George Road, Warren, New Jersey. Also present and sworn was Roger Bernier of 316 South Avenue, Fanwood, New Jersey, the property owner of the premises next door. Also present in objecting to the application were the following: Michael Sica, 2 Pebble Road, Woodland Park, New Jersey; Patrick J. McNamara, Esq., 1100 Valley Brook Avenue, Lyndhurst, New Jersey; Joseph Gibaldi, 810 Valley Road, Clifton, NJ; Gregory and Daniel Pise of 810 Valley Road, Clifton, New Jersey; Alessia Eramo, 36

Merrill Road, Clifton, New Jersey; and Ann Schnakenberg, 288 Washington Avenue, Clifton, New Jersey.

Comr George Foukas excused himself from participating, and Comr George Silva sat in his place and stead.

Mr. Carlet stated that a 31-unit senior citizens independent living facility was approved by the Board on September 4, 2019, for Lot 14; that Lot 11 presently consists of an assisted living facility approved by the Court; that the applicant proposes to re-subdivide the property; that the new application will eliminate the prior approval; that the applicant proposes a 50-unit building for independent living for age 62 and up with proposed new parking facilities; that the applicant will give a conservation easement to the City of Clifton so that nothing can be built above it up the mountain slope.

Mr. Lam testified as an engineer and testified as to “A-1” which is an aerial plan prepared by Bohler Engineering dated July 13, 2021, and stated that the applicant requests approval to subdivide a portion of the property owned by St. George Greek Orthodox Church and merge the subdivision portion with the existing Lot 14; that Lot 14 was previously approved for a 31-unit senior citizen apartment development by the Board; that Lot 11 assisted living facility is unchanged and the driveway is unchanged; that the new Lot 14 will contain the independent living facility.

Mr. Lam continued to testify as to “A-2” which is C301, an overall site layout plan; that there is proposed a cross connection between the existing assisted living facility and independent living facility; that there is proposed a cross connection between the Church and the independent senior living facility; that this application requires a height variance for the proposed independent living facility; that permitted is 30 feet and 2 stories, and proposed is 41.42 feet and 3 stories; that variances were eliminated from the previous approval; that a use variance is required for the senior living facility since the property is in a RA1 zone; that there is a density variance required for 50 units; that 68 parking spaces are proposed; that there were many challenges to the design due to the topography, and he testified as to elevations, landscaping and plantings, lighting with LED proposed, and a new storm water design compliant with new DEP standards with catch basins and porous pavement.

In response to questions from the Board, Mr. Lam testified that all access to the new independent living facility will be through the assisted living facility by way of dedicated easement; that there will be dedicated parking for the use of both the assisted living facility and the membership of St. George Church. He further testified with respect to the sanitary sewer line volume, pipes, and monitoring of Valley Road; that if approved, any problems with Valley Road sewer and drainage will be addressed, and the applicant will comply with all recommendations; that the applicant is proposing a new sidewalk as requested by the County; that the applicant will look into the slopes and whether a retaining wall is required to prevent the sidewalk and roadway from being washed out.

There was cross-examination of Mr. Lam by objectors Alessia Eramo, Joseph Gibaldi, and Ann Schnakenberg regarding zoning, grading, steep slope ordinance, impervious area, water runoff, compliance with new DEP regulations, landscape plan, Clifton Tree Ordinance, buffers, parking allocation, and proposed conservation easement.

Douglas J. Coleman testified as an architect and stated that he prepared the architectural plans submitted to the Board for a three-story 15,841 square foot building; that the proposal calls for 50 residential units totaling 56 beds; that there will be 68 parking spaces, including three ADA parking spaces; that the plans show the ground level floor plan, the second level floor plan, the third level floor plan, the front/rear elevation and the side elevations.

Mr. Coleman also submitted to the Board a photograph showing the proposed three-story structure with parking in the front of the premises.

There was cross-examination of Mr. Coleman by objector Alessia Eramo.

Chrmn Zecchino acknowledged receipt of the report of Gregory Associates dated July 16, 2021, and the report of Neglia Engineering dated July 16, 2021.

At this point in the hearing, Chrmn Zecchino continued the matter until the August 18, 2021, meeting of the Board.

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 Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PERLA RODRIGUEZ for bulk variances for right side yard setback, combined side yard setback, rear yard setback, and lot coverage for a second floor rear addition at 723 Allwood Road, Block 67.07, Lot 3, was adopted. RA3

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAYESHKUMAR GANDHI for bulk variances for lot coverage, left side yard setback, and combined side yard setback for a two-story rear addition and a rear deck at 47 Sipp Avenue, Block 42.08, Lot 43, was adopted. RB1

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 458 CLIFTON LLC for 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 at 458 Clifton Avenue, Block 12.02, Lot 24, 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 JULY 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LEXINGTON PARTNERS, LLC for premises known as: 340 Lexington Avenue, Block 8.22, Lots 37 and 39 be and the same is hereby: DISMISSED WITHOUT PREJUDICE for a use variance for height and bulk variances for minimum lot area, minimum lot width, front yard setback, rear yard setback, side yard setback, both side yard setbacks, street side yard setback, lot coverage, off-street parking and loading spaces, parking aisles, lighting, and landscaping for a proposed 28 unit, 4-story multi-family residential building over parking FOR LACK OF PROSECUTION.

Testimony concerning the aforesaid application was taken by the Board at its meetings on November 4, 2020; December 2, 2021; January 20, 2021, and July 21, 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 dismiss the matter without prejudice on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variances for a proposed 28 unit, 4-story multi-family residential building over parking at premises located at 340 Lexington Avenue, Block 8.22, Lots 37 and 39, which premises are located in an RB3 zone; and

WHEREAS, the matter was requested to be adjourned, having been adjourned multiple times since the January 20, 2021, meeting of the Board;

NOW THEREFORE, BE IT RESOLVED that the application for a use variance and variances for a proposed 28 unit, 4-story multi-family residential building over parking at premises located at 340 Lexington Avenue, Block 8.22, Lots 37 and 39, be and the same is hereby DISMISSED WITHOUT PREJUDICE FOR LACK OF PROSECUTION.

**Resolution moved by: Comr LOUIS DE STEFANO.
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 JULY 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STYERTOWNE SHOPPING CENTER LLC for premises known as: 1051 Bloomfield Avenue, Block 79.01, Lot 1 be and the same is hereby: GRANTED a use variance to permit 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 in what had formerly been the former Rowe Manse Emporium building with a PLANET FITNESS health and fitness club and site plan approval.

Testimony concerning the aforesaid application was taken by the Board at its meetings on June 16, 2021, and July 21, 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 use variance approval for a PLANET FITNESS health and fitness club to utilize the second floor and all of the third floor of the former Rowe Manse Emporium at premises located at 1051 Bloomfield Avenue, Block 79.01, Lot 1, which premises are located in a B-D zone; and

WHEREAS, the Board had the benefit of reports from its experts, Katherine Gregory dated June 10, 2021, and Neglia Engineering dated June 11, 2021 and July 20, 2021; and

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

- a. The applicant proposes a Planet Fitness health and fitness club at the subject premises by converting half of the second floor and all of the third floor of the building existing in Styertowne Shopping Center formerly occupied by Rowe Manse Emporium, Dress Barn, and Jembro;
- b. The applicant's proposal is not a permitted use in the zone, and therefore, a use variance is required;
- c. The applicant proposes to do nothing to the site other than underground for expanded sewerage, water, and electrical service;
- d. The applicant proposes an above-ground construction of a concrete transformer pad along the side of Route 3 ramp which would be 10- by 10-feet in order to provide additional electrical service required for the proposed use;
- e. The applicant produced the architect, a representative from the Planet Fitness organization, and an engineer and a planner who gave testimony in support of the application;
- f. Based upon the testimony of the applicant's planner, the proposal promotes the special reasons set forth in N.J.S.A. 40:55D(a), (d), and (g);
- g. Based upon the testimony of the applicant's traffic expert, traffic for the proposed health and fitness club will have no adverse impact to the surrounding roadway network, operations, or parking demand at the site;
- h. The applicant has satisfied the positive and negative criteria required for the grant of a use variance; 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 proposal will not be detrimental to the health, safety, and general welfare of the area based upon the report of the traffic expert;

NOW THEREFORE, BE IT RESOLVED that the application for a use variance and site plan approval for a PLANET FITNESS health and fitness center in vacant space within the shopping center at premises located at 1051 Bloomfield Avenue, Block 79.01, Lot 1, be and the same is hereby approved and the use variance and site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

A. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED;

B. SUBJECT TO THE APPLICANT COMPLYING THE HOURS OF OPERATION AS FOLLOWS: MONDAY THROUGH THURSDAY 5 A.M. TO MIDNIGHT; FRIDAY 5 A.M. TO 9 P.M.; SATURDAY, 5 A.M. TO 7 P.M.; AND SUNDAY 5 A.M. TO 7 P.M. 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 JULY 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CANAN BULUT for premises known as: 5 Burgh Avenue, Block 11.12, Lot 15 be and the same is hereby: GRANTED rear yard setback, right side yard setback, and lot coverage variances for a rear one-story addition and open rear porch.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 21, 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 variance approval for a rear one-story addition and open rear porch to at premises located at 5 Burgh Avenue, Block 11.12, Lot 15, 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 to build a rear one-story addition and open rear porch at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 30.25 feet;
- c. The right side yard setback requirement is 12 feet, and the applicant is proposing 2.8 feet;
- d. The lot coverage permitted is 25 percent, and the applicant is proposing 34 percent;
- 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 build a rear one-story addition and open rear porch at premises located at 5 Burgh Avenue, Block 11.12, Lot 15, be and the same is hereby approved and the variances for 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 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 MICHAEL MOLNER.

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

MEETING OF JULY 21, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: ALFREDO MANCHEGO
for premises known as: 169 Livingston Street, Block 27.01, Lot 8
be and the same is hereby: GRANTED variances for distance from pool and rear
yard setback to construct an open gazebo attached to the right side of the house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 21, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to construct an open gazebo at premises located at 169 Livingston Street, Block 27.01, Lot 8, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to construct an open gazebo attached to the right side of the subject premises;
- b. The gazebo is 2 feet from the pool where a minimum of 10 feet is required;
- c. The gazebo is 11 feet from the rear lot line where 35 feet is required;
- 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;
- 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 an open gazebo attached to the right side of the home at premises located at 169 Livingston Street, Block 27.01, Lot 8, be and the same is hereby approved and the variances for distance from pool and rear 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 MICHAEL MOLNER.

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 JULY 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DEVINDRA LALL for premises known as: 36 Sussex Road, Block 68.08, Lot 14 be and the same is hereby: GRANTED a variance for a driveway in front of the house that does not serve a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 21, 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 Scott Sochon moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant proposes to convert a portion of their attached garage to a pantry at premises located at 36 Sussex Road, Block 68.08, Lot 14, 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 convert a portion of an attached garage to a pantry at the subject premises;
- b. A car will no longer fit within the garage;
- 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 convert a portion of the attached garage to a pantry at premises located at 36 Sussex Road, Block 68.08, Lot 14, be and the same is hereby approved and the variance for a driveway in front of the house that does not serve a garage be and the same is hereby granted **SUBJECT TO THE FOLLOWING STIPULATIONS:**

A. THAT THE GARAGE DOOR WILL REMAIN OPERATIVE AND INTACT;

B. THAT THE APPLICANT WILL INSTALL TWO (2) BOLLARDS IN FRONT OF THE GARAGE DOOR WHERE THE PANTRY WILL BE LOCATED; and subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

MEETING OF JULY 21, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARTIN & DANA GOTTESMAN for premises known as: 48 Cresthill Ave., Block 58.13, Lot 58 be and the same is hereby: GRANTED side yard setback and combined side yard setback variances to build a two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 21, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to build a two-story addition at premises located at 48 Cresthill Avenue, Block 58.13, Lot 58, 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 at the subject premises;
- b. The side yard setback variance requirement is 6 feet, and the applicant is proposing 3.96 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 13.7 feet;
- d. The premises is a one-family dwelling and will remain a one-family dwelling;
- 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 build a two-story addition at premises located at 48 Cresthill Avenue, Block 58.13, Lot 58, be and the same is hereby approved and the side yard setback variance initially requested on the right side will be located in the rear or on the left side and the combined side yard setback variance be and the same are hereby granted **SUBJECT TO THE FOLLOWING STIPULATION:**

A. THE SIDE YARD SETBACK VARIANCE, INITIALLY REQUESTED FOR THE RIGHT SIDE, WILL BE LOCATED IN THE REAR OR ON THE LEFT SIDE; and subject to such further governmental approvals as may be required by law and subject to the following:

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

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr MICHAEL MOLNER.

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