

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 1, 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 URI JASKIEL, 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 August 18, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

**CONTINUED HEARING**

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| 1.<br>Use<br>Variance;<br>Variances | <p><b>J &amp; I CHIMICHANGA, LLC a/k/a<br/>EL MEXICANO CLIFTON</b>, 1293 Main<br/>Avenue, Block 11.07, Lot 16 – BC –<br/>Variance application for expansion of<br/>existing restaurant for covered outdoor<br/>dining. The variances include rear yard<br/>proposed at 8’ and 10’ required. Left side<br/>yard proposed at 8” and 17’5” required<br/>(half the building height). Lot coverage<br/>proposed at 92% and 60% permitted.<br/>46 parking spaces required plus one per<br/>employee required and none provided.<br/>The restaurant has an existing, nonconforming<br/>lot width and area. The Variance application<br/>is to permanently extend the current outdoor<br/>dining/drinking area further back into the<br/>parking lot area to their home site at<br/>1293 Main Avenue, Clifton, NJ 07011,<br/>Block No. 11.07, Lot No. 16, located in the<br/>B-C business zone, Main Avenue Overlay<br/>District. Relief is requested to seek variance<br/>to extend the outdoor dining/drinking area<br/>further back into the parking lot area.<br/>The subject property is located<br/>within the Business Zone. The subject property is<br/>located east of the Main Avenue and Hilton<br/>Street intersection. The property is bound by<br/>residential properties to the west, by Main Avenue<br/>to the east, and by commercial properties to the</p> |
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south and north. The Existing Lot is currently developed with an existing one-story building, an existing enclosed outdoor dining area and a temporary dining area behind the building. There will be noise dampening materials added to the structure to address the noise concerns.

This matter was previously continued by the Board to the October 20, 2021, meeting of the Board.

**NEW HEARINGS**

1. **JIM BEIRNE**, 35 Englewood Road, Block 68.11,  
Variances Lot 18 – RA3 – Applicant proposes to build a second floor addition over the existing attached garage and a rear addition and deck. The following variances are requested:
- 1) Right side yard is 5.8’ and the left side yard is 5.7’ where a minimum of 6’ each is required.
  - 2) Combined side yards are 11.3’ where a minimum of 16’ is required.
  - 3) Rear yard setback proposed at 30’6” where 35’ is required.

The applicant, residing at 35 Englewood Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Ruchi Dhar of 49 Mt. Pleasant Avenue, Livingston, New Jersey, an architect.

Ms. Dhar testified as an architect and stated that the applicant proposes to build a second floor addition over the existing garage and a rear addition and deck. The variances requested by the applicant were as follows: 1) The right side yard setback 5.8 feet where 6 feet is required; 2) Left side yard proposed at 5.7 feet where 6 feet is required; 3) combined side yard setback requirement is 16 feet, and 11.3 feet is proposed; 4) rear yard setback variance requirement is 35 feet, and 30 feet 6 inches is proposed.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the Resolution for approval of the application. The motion was seconded by Comr Zalman Gurkov. 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 is based.

2. **THOMAS GORDON**, 32 Livingston Street,  
Variance Block 23.06, Lot 20 – RA2 – Applicant proposes to install a 5’ high partially solid fence along the right side yard (along John Street) where a 4’ high 50% open fence is permitted. A variance is requested.

The applicant and his wife, Rosemarie Gordon, residing at 32 Livingston Street, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicants testified that he requests variance approval to install a 5-foot-high partially solid fence along the right side yard, along John Street, where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for privacy and safety; that the fence will be a 4-foot-high solid vinyl fence with a 1-foot-high lattice on top.

After a review of the testimony, Comr Scott Sochon moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. the motion was seconded by Comr 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 is based.

3. **RYAN CARROLL & JORDAN MERA,**  
Variance 130 Abbe Lane, Block 33.08, Lot 4 – RA2 –  
Applicant proposes to expand their curb cut  
to a width of 20' to match the width of the  
driveway. A variance is requested for a 20'  
curb cut where a maximum of 12' is permitted.

The applicant, Ryan Carroll, residing at 130 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that they propose to expand the curb cut to a width of 20 feet to match the width of the driveway; that a variance is required for a 20 foot curb cut where a maximum of 12 feet is permitted.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs 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 is based.

4. **DOMINGO MARTINEZ,** 41 Sussex Road,  
Variance Block 68.09, Lot 27 – RA3 – Applicant proposes  
to convert the attached garage into living  
space. A variance is requested for a driveway  
in front of the house no longer serving a garage.

The applicant, residing at 41 Sussex Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Martinez testified that he proposes to convert the attached garage into living space at the subject premises; that a variance is required for a driveway in front of the house not serving a garage; that the purpose of the conversion is to add an area for study and office space.

Chrmn Zecchino suggested that the applicant install in front of the garage door which will remain as such, two ballasts for safety purposes.

After a review of the testimony, Comr John Foukas moved to grant the application with the stipulation that the two ballasts be installed in front of the garage doors. 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 is based.

5. **N. MURILLO MEDICAL CENTER LLC,**  
Variance 463 Clifton Avenue, Block 12.08, Lot 14  
-- B-C – Applicant proposes to enclose the existing front porch to create additional office space. The following variance is requested:  
1) 9 parking spaces required and 4 parking spaces proposed.

Present and sworn on behalf of the applicant were Narcisa Murillo of 463 Clifton Avenue, Clifton, New Jersey; and Javier E. Fuentes of 612 Galloping Hill Road, Rochelle Park, New Jersey, an architect.

Ms. Murillo testified that she is the sole member of the limited liability company and, therefore, is authorized to give testimony on behalf of the limited liability company; that she requests variance approval to enclose the existing front porch to create a waiting room for her medical office; that her hours of operation will be Monday through Saturday, 9 A.M. to 5 P.M.

Mr. Fuentes testified as an architect and stated that the applicant proposes to enclose the existing front porch for a waiting room; that the applicant was providing four off street parking spaces where nine parking spaces are required; that there is additional parking off street on the side and in the front of the premises.

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 variance 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 is based.

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| 6.<br>Use<br>Variance | <p><b>CORE DEVELOPMENT GROUP,</b><br/> 100 Delawanna Avenue, Block 61.03,<br/> Lot 27 – M3 – Applicant requests minor<br/> site plan for the purpose of installing solar<br/> carport facilities at the premises. The<br/> property was granted a prior use variance<br/> for exterior modifications in 2013 as the use of<br/> the building as a Data Center is not a permitted<br/> use in the M-3 zone. The construction of accessory<br/> structures for the solar arrays is an expansion<br/> of a nonconforming use requiring a use variance.<br/> The applicant also requests any and all other<br/> variances/relief the Board may deem necessary.</p> |
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Bruce E. Whitaker, Esq., with offices at 245 East Main Street, Ramsey, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Christopher P. Rosati, FWH Associates, 1856 Route 9, Toms River, New Jersey; Tim Griffin, 232 Boulevard, Pompton Plains, NJ; and Paul Ricci, PP, 177 Monmouth Avenue, Atlantic Highlands, NJ. There were no objectors.

The Board is in receipt of reports from Gregory Associates dated August 24, 2021; and Neglia Engineering Associates dated August 19, 2021. There was also a Stormwater Management Narrative dated May 21, 2021, prepared by FWH Associates.

Mr. Whitaker stated that the applicant is requesting minor site plan approval and use variance and bulk variances for the purpose of installing four solar carport facilities at the subject premises.

Mr. Griffin gave testimony on behalf of the applicant and stated that the applicant proposes to construct roof mounted and carport Photovoltaic systems for the purpose of generating clean electrical power to reduce dependence on fossil fuels and impact the environment; that the proposed improvement will include the construction of a mega watt Photovoltaic system, electrical conduit, and new site lighting under the carport canopy structures; that the solar facility will be an unmanned facility, and no contamination of surface runoff is anticipated.

Mr. Rosati gave testimony as an engineer and had marked into evidence “A-1” an aerial exhibit of the location of the four solar carport canopies; that he was in charge of preparing the plans for the minor site plan; that the plans indicate the existing conditions at the site, the location of the solar facility, the lighting plan and details, the construction details, and the circulation plan. He also testified with respect to the proposed solar carports, including the materials, the colors, and the textures.

Mr. Ricci testified as a professional planner and stated that the purpose of the application is to construct roof-mounted and carport Photovoltaic systems for the purpose of generating clean, electrical power to reduce dependence on fossil fuels and impact the environment; that there are specific New Jersey statutes which classify solar technology as an inherently beneficial use because it fundamentally serves the public good and promotes the general welfare; that there are no negative impacts from the proposal; that it does not create traffic, noise, dust, or other detriments; that the benefits of the application outweigh the detriments, if any; that the applicant has satisfied the positive and negative criteria required for the grant of the use variance; that the applicant has shown sufficient hardship to justify the grant of the bulk variances required which include lot area where 10 acres are required in an M-3 zone, and the applicant has 5.71 acres; and rear yard setback variance where 40 feet is required, and the applicant is proposing 22.44 feet; that the proposal will not have any negative visual impact on the adjacent residential properties; that the proposal serves the public good and promotes the general welfare.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for grant of the minor site plan, use variance, and lot area and rear yard setback variances. The motion was seconded by Comr Louis DeStefano. 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 is based.

7.  
Use  
Variance;  
Variances

**EMPIRE REALTY MANAGEMENT CORP.,**  
94-96 Market Street, Block 68.03, Lot 43  
-- BC – An application to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the existing retail stores on Allwood Road and, in the rear and over the retail units, to construct a four story apartment building containing 42 senior citizen housing units restricted to tenants aged 55 and older. This will require variances to permit more than two principal uses on the same lot; to permit housing in a BC zone where no housing is permitted; to exceed the permitted height of the building which is 35’ by 13’ or more than 10% of the maximum permitted height; and number of permitted stories (3 stories permitted, 4 stories proposed).

Chrmn Zecchino announced that the Board is in receipt of a communication from the attorney for the applicant requesting an adjournment; that the Board has reviewed the notice served by the applicant and finds there are a number of deficiencies; that the deficiencies require that the notice must be corrected, and therefore, a motion to dismiss without prejudice is in order.

Thereupon, Comr Louis DeStefano moved to dismiss the matter without prejudice. 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 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 is based.

## **RESOLUTIONS**

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

1. Upon motion made by Comr George Foukas, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of CLIFTON IL, LLC to subdivide and merge property and construct a 50-unit independent living facility with new parking layout at 782, 784, 810, and 818 Valley Road, Block 44.01, Lots 11, 14, 15, and 18, was adopted. RA1

2. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SHARON KUHL-ROME for rear yard setback, right side yard setback, combined side yard setback, and lot coverage variances for a rear two-story addition and first floor deck at 161 Day Street, Block 9.18, Lot 69, was adopted. RB1

3. Upon motion made by Comr Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JBK ENTERPRISES, LLC d/b/a THE BARROW HOUSE for a conditional use variance to construct a raised outdoor seating area with a roof structure at 1292 Van Houten Avenue, Block 34.04, Lot 29, was adopted. BB

4. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of MAHA MAROGI to convert two- to a three-family dwelling with rear addition at 46 South Parkway, Block 60.05, Lot 16, was adopted. M-2

5. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of MAHA MAROGI to convert a two- to a three-family dwelling with rear addition at 52 South Parkway, Block 60.05, Lot 15, was adopted. RA3

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 SEPTEMBER 1, 2021.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that  
the application of: **JIM BEIRNE**  
for premises known as: **35 Englewood Road, Block 68.11, Lot 18**  
be and the same is hereby: **GRANTED** right and left side yard setback variances,  
combined side yard setback variances, and rear yard setback variances to construct  
a second floor addition over the existing attached garage and a rear addition and  
deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a second floor addition over the existing attached garage and a rear addition and deck at premises located at 35 Englewood Road, Block 68.11, Lot 18, 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 to build a second floor addition over the existing attached garage and a rear addition and deck at the subject premises;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 5.8 feet;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.7 feet;
- d. That the combined side yard setback requirement is 16 feet, and the applicant is proposing 11.3 feet;
- e. The rear yard setback requirement is 35 feet, and the applicant is proposing 30 feet 6 inches;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a second floor addition over the existing attached garage and a rear addition and deck at premises located at 35 Englewood Road, Block 68.11, Lot 18, be and the same is hereby approved and the variances for right side yard, left side yard, combined side yards, 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 GEORGE FOUKAS.**

**Seconded by: Comr ZALMAN GURKOV.**

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

**MEETING OF SEPTEMBER 1, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: THOMAS GORDON for premises known as: 32 Livingston Street, Block 23.06, Lot 20 be and the same is hereby: GRANTED variance approval for a 4-foot-high solid fence with a 1-foot-high lattice on top for a total of 5 feet along the right side yard along John Street.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 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 requests variance approval to install a 4-foot-high solid fence with a 1-foot-high lattice along the right side yard at premises located at 32 Livingston Street, Block 23.06, Lot 20, which premises are located in an RA2 zone; and

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

- a. The applicant presently has a chain link fence at the premises and is requesting approval to install a solid fence which would be 4 feet high and also a 1-foot lattice for a total of 5 feet;
- b. The purpose of the fence is for privacy and safety;
- c. There are other similar-type fences in the neighborhood;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 4-foot-high solid fence with a 1-foot-high lattice on top along the right side yard along John Street at premises located at 32 Livingston Street, Block 23.06, Lot 20, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

**Resolution moved by: Comr SCOTT SOCHON.**

**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 SEPTEMBER 1, 2021.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RYAN CARROLL & JORDAN MERA for premises known as: 130 Abbe Lane, Block 33.08, Lot 4 be and the same is hereby: GRANTED approval for a 20 foot wide curb cut.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 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 to expand their curb cut to the width of 20 feet to match the width of the driveway at premises located at 130 Abbe Lane, Block 33.08, Lot 4, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to expand the existing curb cut at the subject premises from 12 feet to 20 feet;
- b. The purpose of the expansion is to match the width of the driveway;
- 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 expand the width of the driveway to 20 feet at premises located at 130 Abbe Lane, Block 33.08, Lot 4, be and the same is hereby approved and the variance for driveway width be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

expense.

17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

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

**MEETING OF SEPTEMBER 1, 2021.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **DOMINGO MARTINEZ**  
for premises known as: **41 Sussex Road, Block 68.09, Lot 27**  
be and the same is hereby: **GRANTED** variance approval for conversion of a  
garage into living space, for a driveway in front of a house not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a driveway in front of the house no longer serving a garage since the applicant requests approval to convert the attached garage into living space at premises located at 41 Sussex Road, Block 68.09, Lot 27, 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 requires a variance for a driveway in front of the house no longer serving a garage since the applicant requests approval to convert the attached garage into living space;
- b. The applicant proposes to convert the attached garage into an office area within the dwelling;
- c. The garage door will remain;
- d. The applicant will erect two (2) bollards in front of the garage door;
- e. The applicant has shown sufficient hardship to justify the grant of the variance 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 convert an attached garage to living space at premises located at 41 Sussex Road, Block 68.09, Lot 27, be and the same is hereby approved and the variance for a driveway in front of the house not serving a garage be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE APPLICANT INSTALLING TWO (2) BOLLARDS IN FRONT OF THE GARAGE** and subject to the following:

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

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

**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr SCOTT SOCHON.**

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

**MEETING OF SEPTEMBER 1, 2021.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **N. MURILLO MEDICAL CENTER**  
for premises known as: **463 Clifton Avenue, Block 12.08, Lot 14**  
be and the same is hereby: **GRANTED** variance approval to enclose the existing front porch to create an additional office space and parking variance.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to enclose the existing front porch to create additional office space at premises located at 463 Clifton Avenue, Block 12.08, Lot 14, which premises are located in a B-C zone; and

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

- a. The applicant proposes to enclose the existing front porch to create additional office space at the subject premises;
- b. The purpose of the enclosure is to create a waiting room for patients;
- c. The parking requirement is 9 spaces, and the applicant is providing 4 off street parking spaces;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since the applicant is providing four off-street parking spaces, and there is adequate off-street parking at the site;

NOW THEREFORE, BE IT RESOLVED that the application to enclose the existing front porch to create additional office space at premises located at 463 Clifton Avenue, Block 12.08, Lot 14, be and the same is hereby approved and the variance for parking be and the same is 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 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 SEPTEMBER 1, 2021.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that  
the application of: **CORE DEVELOPMENT GROUP**  
for premises known as: **100 Delawanna Ave., Block 61.03, Lot 27**  
be and the same is hereby: **GRANTED** minor site plan, use variance, lot area and  
rear yard setback variances for the purpose of installing solar carport facilities at  
the subject premises.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 1, 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 minor site plan, use variance, lot area and rear yard setback variances for the purpose of installing solar carport facilities at premises located at 100 Delawanna Avenue, Block 61.03, Lot 27, which premises are located in an M3 zone; and

WHEREAS, the applicant did appear before the Board and presented testimony of three witnesses, including an engineer and a professional planner; and

WHEREAS, the Board is in receipt and has the benefit of reports from its planning consultant, Gregory Associates, dated August 24, 2021, and Neglia Engineering dated August 19, 2021; and

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

- a. The premises in question was previously granted a use variance for exterior modifications in 2013 as the use of the building for a data center which was not a permitted use in the M-3 zone;
- b. The Board incorporates and includes the findings set forth in that Resolution dated February 6, 2013, in the within Resolution;
- c. The applicant proposes to construct a carport and roof mounted Photovoltaic systems on the existing property;
- d. A total of 2,382 solar panels are proposed on four separate carports and on the roof of the existing building;
- e. The project proposes to construct roof mounted and carport Photovoltaic systems for the purpose of generating clean, electrical power to decrease dependence on fossil fuels and impact the environment;
- f. Based upon the testimony of applicant's planner, the use is an inherently beneficial use and there are New Jersey statutes which support this finding;
- g. The applicant has satisfied the positive and the negative criteria required for the grant of a use variance;
- h. The benefits of the application outweigh the detriments, if any;
- i. The applicant has shown sufficient hardship to justify the lot area and rear yard setback variances;
- j. The solar technology proposed by the applicant will serve the public good and promote the general welfare;
- k. There are no detriments—such as, traffic, noise, or dust;
- l. The proposal will not have any negative visual impact on the adjacent residential properties; 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 the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood but in fact will be beneficial by generating clean, electrical power;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to install four carport solar canopies with roof mounted Photovoltaic systems at premises located at 100 Delawanna Avenue, Block 61.03, Lot 27, be and the same is hereby approved and the minor site plan approval, use variance, and lot area and rear yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, 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 LOUIS DE STEFANO.**  
**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 1, 2021.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **EMPIRE REALTY MANAGEMENT CORP.**  
for premises known as: **94-96 Market Street, Block 68.03, Lot 43**  
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE.**

This matter, coming on for hearing before the Board; and it appearing that the notice requirements pursuant to the statute were not satisfied by the applicant; and the defective notice affects the jurisdiction of the Board to hear the matter; thereupon this matter **BE AND THE SAME IS HEREBY DISMISSED WITHOUT PREJUDICE.**

**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.**