

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 15, 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, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS URI JASKIEL, ZALMAN GURKOV, AND SCOTT SOCHON.

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

Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the September 1, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

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| 1.
Use
Variance;
Variances | <p>J & I CHIMICHANGA, LLC a/k/a
EL MEXICANO CLIFTON, 1293 Main Avenue, Block 11.07, Lot 16 – BC –
Variance application for expansion of existing restaurant for covered outdoor dining. The variances include rear yard proposed at 8’ and 10’ required. Left side yard proposed at 8” and 17’5” required (half the building height). Lot coverage proposed at 92% and 60% permitted. 46 parking spaces required plus one per employee required and none provided. The restaurant has an existing, nonconforming lot width and area. The Variance application is to permanently extend the current outdoor dining/drinking area further back into the parking lot area to their home site at 1293 Main Avenue, Clifton, NJ 07011, Block No. 11.07, Lot No. 16, located in the B-C business zone, Main Avenue Overlay District. Relief is requested to seek variance to extend the outdoor dining/drinking area further back into the parking lot area. The subject property is located within the Business Zone. The subject property is located east of the Main Avenue and Hilton</p> |
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Street intersection. The property is bound by residential properties to the west, by Main Avenue to the east, and by commercial properties to the 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 until the October 20, 2021, meeting of the Board.

NEW HEARINGS

1. **Wael El-Zind**, 16 Trella Terrace, Block 33.07,
Variance Lot 4 – RA2 – Applicant requires a variance for a deck that was under construction. The deck is proposed with a rear yard setback of 21’ where a minimum of 32’ is required.

The applicant, residing at 16 Trella Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requires a variance for a deck that was under construction; that he was unaware that he needed a permit; that the deck is 10- by 20-feet; that the rear yard setback requirement is 32 feet, and he is proposing 21 feet.

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

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

2. **Jonathan Kushnir**, 99 Campbell Avenue,
Variance Block 42.13, Lot 31 – RB1 – A variance is requested for an air-conditioning unit installed less than 1’ from the left side property line where 6’ is required.

The applicant, residing at 99 Campbell Avenue, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that a variance is requested for an air-conditioning unit installed less than 1 foot from the left side property line where 6 feet is required; that this is the second installation of an air-conditioning unit; that the first air-conditioning unit was previously installed approximately 1 foot from the property line.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the side yard setback variance. The motion was seconded by Comr Michael

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

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

3. **CHERI ALBANESIUS**, 111 Vreeland Avenue,
Variance Block 17.02, Lot 20 – RB1 – A variance is requested to install 6’ high fence in the rear yard where a 5’ high fence is permitted.

The applicant, residing at 111 Vreeland Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval to install a 6-foot-high fence in the rear yard where a 5-foot-high fence is permitted; that approval is requested for a 6-foot-high white vinyl privacy fence; that the purpose of installing the 6-foot-high privacy fence is done for privacy and a sense of security for her family from wild animals which have climbed over the existing fence at the site and entered the yard; that there are many of her neighbors who already have a 6-foot-high privacy fence installed.

Chrmn Zecchino suggested a 5-foot-high fence with a 1-foot-high lattice on top, for a total of 6 feet. The applicant accepted the stipulation.

Thereupon, Vice-Chrmn Gerard Scorziello moved to approve the application for a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

4. **HIREN CHANDRATRE**, 187 Abbe Lane,
Variance Block 33.09, Lot 14 – RA3 – Applicant proposes to expand the driveway to right approximately 8’. A variance is requested for the portion of the driveway that will be in front of the house in an area not serving a garage.

The applicant, residing at 187 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to expand the driveway at the subject premises to the right approximately 8 feet; that a variance is requested for the portion of the driveway that will be in front of the house in an area not serving a garage.

The applicant stipulated to installing a wall in the area where the driveway is expanded in front of the premises, the height of which to be determined by the Engineering Department of the City of Clifton.

Thereupon, Vice-Chrmn Gerard Scorziello moved to grant the application with the stipulation that wall be installed as set forth above and further instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs George Silva, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

5. **DANIEL NOWAK & MEHMET DIKCE,**
Use 19 West 1st Street, Block 9.07, Lot 7 – M-2 –
Variances Applicant proposes to convert an existing
single family home to a two-family home.
Home is located within an M-2 Zone. The
following variances are requested:
1) Use variance required for a residential use
within the M-2 zone;
2) Use variance required for a proposed two
fixture powder room in the basement with a
direct access to the exterior.

The applicants, residing at 19 West First Street, Clifton, New Jersey, were both present and sworn. There were no objectors.

Daniel Nowak testified that the applicant proposes to convert an existing single-family home to a two-family dwelling; that the structure is located within an M-2 zone; that a use variance is required for a residential use within the M-2 zone; that the applicant is also seeking a use variance for a proposed two-fixture powder room in the basement with direct access to the exterior.

After discussion, the applicant withdrew his request for the use variance for the two-fixture powder room in the basement.

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

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

6. **JOHAN KAFIL & TSUNGAS PETROLEUM,**
Prelimin- **INC., 453-463 Lexington Avenue, Block 7.15,**
ary & Lots 10 & 11 – BC – Preliminary and Final Site
Final Site Plan approval, to permit the demolition and
Plan removal of an existing gasoline service station
 & derelict three-family residential structure,
 and construct thereon a mixed use, retail &
 multi-family residential structure, containing
 up to nine (9) residential units. In addition,

this Applicant will request such variances, waivers, permits, approvals, or licenses that the Board deems necessary or appropriate.

David C. Dixon, Esq., with offices at 620 Newark Pompton Turnpike, Pompton Plains, New Jersey, appeared on behalf of the applicant. Present and sworn was Calisto Bertin, P.E., of 56 Glen Avenue, Glen Rock, New Jersey, an engineer.

Mr. Dixon stated that the applicant is seeking preliminary and final site plan approval to permit the construction of a mixed use retail and multi-family residential structure at the subject premises; that a use variance was previously granted by the Board; that the applicant is now seeking preliminary and final site plan approval.

Mr. Bertin testified as an engineer and gave testimony concerning the property information, the general engineering comments, drainage, lighting and landscaping, traffic and site plan circulation and architectural comments.

Offered into evidence which was marked “A-1” is the garbage truck circulation exhibit.

The Board had the benefit of a report from its engineering consultant, Neglia Engineering Associates, dated September 9, 2021. Mr. Bertin did review the same and stated that the applicant would stipulation to all the recommendation made within said report.

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

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

7. **CLIFTON IL, LLC**, 782, 784, 810 & 818
Use Valley Road, Block 24.01, Lots 11, 14, 15 &
Variance; 18 – RA1 – This is an application for a
Variances subdivision to divide parts of Lot 15 and 18
from the existing lots and make those two
sections part of existing Lot 14;
For use variances as follows:
1. A D1 Use Variance use not permitted in
the zone.
2. A D5 Density Variance (7 dwelling units
permitted, 13.25 dwelling units proposed).
3. A D6 Height Variance for a height higher
than 10% of the permitted height in the zone
(41’5” proposed, 30’ permitted).
For bulk variances as follows:
1. Maximum impervious lot coverage as
follows:
a. In the 15% slope area, 30% permitted,
47.2% proposed.
b. In the 15.1% to 25% slope area, 25%

permitted, 48.8% proposed.
 In the 25.1% to 30% slope area, 25% permitted, 25.3% proposed;
 In the over 30% slope area, 0% permitted, 2.4% proposed.
 2. Maximum impervious coverage, 0% permitted, 12.6% proposed.
 3. Excavation in slopes in excess of 30%.
 4. Uppermost point of a cut slope higher than the top of the nearest downhill structure or building;
 And a waiver is required for the number of parking spaces as provided per RSIS (68 spaces proposed, 79 spaces required, but the application far exceeds the number of spaces required by the Zoning Ordinance (17 spaces required, 68 spaces provided).

Chrmn Zecchino noted for the record that the public notice which is published in the newspaper did not identify the applicant, and therefore, the public notice is defective.

Thereupon, Comr Louis DeStefano moved to dismiss the matter without prejudice, citing the fact that the notice was defective. The motion was seconded by Comr George Silva. Voting for dismissal were Comrs George Silva, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a five 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.

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 Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JIM BEIRNE for 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 at 35 Englewood Road, Block 68.11, Lot 18, was adopted. RA3

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of THOMAS GORDON for 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 at 32 Livingston Street, Block 23.-6, Lot 20, was adopted. RA2

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RYAN CARROLL & JORDAN MERA for approval for a 20 foot wide curb cut at 130 Abbe Lane, Block 33.08, Lot 4, was adopted. RA2

4. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DOMINGO MARTINEZ for variance approval for conversion of a garage into living space, for a driveway in front of a house not serving a garage, at 41 Sussex Road, Block 68.09, Lot 27, was adopted. RA3

5. Upon motion made by Comr Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of N. MURILLO MEDICAL CENTER for variance approval to enclose the existing front porch to create an additional office space and parking variance at 463 Clifton Avenue, Block 12.08, Lot 14, was adopted. BC

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CORE DEVELOPMENT GROUP for minor site plan, use variance, lot area and rear yard setback variances for the purpose of installing solar carport facilities at 100 Delawanna Avenue, Block 61.03, Lot 27, was adopted. M3

7. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of EMPIRE REALTY MANAGEMENT CORP. to demolish the Allwood Theater and replace with three retail stores and 4-story apartment building with 42 housing units at 94-96 Market Street, Block 68.03, Lot 43, was adopted. BC

There being no further business before the Board, Comr George Foukas moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WAEL EL-ZIND for premises known as: 16 Trella Terrace, Block 33.07, Lot 4 be and the same is hereby: GRANTED a rear yard setback variance for a deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 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 rear yard setback variance approval for a deck at premises located at 16 Trella Terrace, Block 33.07, 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 a rear yard deck which is 10- by 20-feet at the subject premises;
- b. The rear yard setback requirement is 32 feet, and the applicant is proposing 21 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a rear deck at premises located at 16 Trella Terrace, Block 33.07, Lot 4, be and the same is hereby approved and the rear yard setback variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr GEORGE SILVA.

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

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JONATHAN KUSHNIR for premises known as: 99 Campbell Avenue, Block 42.13, Lot 31 be and the same is hereby: GRANTED a left side yard setback variance for an air-conditioning unit.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for an air-conditioning unit installed less than 1 foot from the left side property line at premises located at 99 Campbell Avenue, Block 42.13, Lot 31, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to install an air-conditioning unit 1 foot from the left side property line where 6 feet is required;
- b. This is a second air-conditioning unit, and the first air-conditioning unit was previously installed 1 foot from the property line;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for an air-conditioning unit installed less than 1 foot from the left side property line at premises located at 99 Campbell Avenue, Block 42.13, Lot 31, be and the same is hereby approved and the variance for left side yard setback be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

Official, City Board of Health, City Zoning Officer, and any other governmental authority.

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr MICHAEL MOLNER.

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

MEETING OF SEPTEMBER 15, 2021.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CHERI ALBANESIUS
for premises known as: 111 Vreeland Avenue, Block 17.02, Lot 20
be and the same is hereby: GRANTED a 5-foot-high solid fence with 1-foot-high
lattice on top, for a total of 6 feet, in the rear yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 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 install a 6-foot-high solid fence in the rear yard at premises located at 111 Vreeland Avenue, Block 17.02, Lot 20, which premises are located in an RB1 zone; and

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

- a. The applicant requests approval to install a 6-foot-high fence in the rear yard of the subject premises;
- b. The permitted height of a fence in the rear yard is 5 feet;
- c. The purpose of the 6-foot-high fence is for privacy and security;
- d. There are other properties in the neighborhood which have 6-foot-high rear fences;
- e. The applicant has stipulated to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet;
- f. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear yard at premises located at 111 Vreeland Avenue, Block 17.02, 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 VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr GEORGE SILVA.
Affirmed by: Comrs George Silva, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **HIREN CHANDRATRE**
for premises known as: **187 Abbe Lane, Block 33.09, Lot 14**
be and the same is hereby: **GRANTED** a variance to expand the driveway to the
right approximately 8 feet, variance required for driveway in front of house in an
area not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 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 the driveway in front of his premises approximately 8 feet at premises located at 187 Abbe Lane, Block 33.09, 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 expand the existing driveway to the right approximately 8 feet in front of the subject premises;
- b. A variance is requested for the portion of the driveway that will be in front of the house in an area not serving a garage;
- c. The applicant has stipulated to installing a wall for security purposes, the height of which is to be determined by the Engineering Department of the City of Clifton;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to expand the driveway in front of the premises approximately 8 feet at premises located at 187 Abbe Lane, Block 33.09, Lot 14, be and the same is hereby approved and the variances for width of driveway and driveway in front of a house not serving a garage be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE STIPULATION THAT THE APPLICANT INSTALL A SAFETY WALL IN FRONT OF THE PREMISES TO BE APPROVED BY THE ENGINEERING DEPARTMENT OF THE CITY OF CLIFTON;** 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 George Silva, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL NOWAK & MEHMET DIKCE for premises known as: 19 West 1st Street, Block 9.07, Lot 7 be and the same is hereby: GRANTED use variance to convert an existing one-family dwelling to a two-family dwelling in an M-2 zone.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 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 use variance approval to covert a one-family to a two-family dwelling at premises located at 19 West 1st Street, Block 9.07, Lot 7, which premises are located in an M-2 zone; and

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

- a. The applicant presently has an existing one-family dwelling and is requesting approval to convert it to a two-family dwelling;
- b. The home is located in an M-2 zone which does not permit residential uses;
- c. A use variance is required for a residential use within the M-2 zone;
- d. The applicant has withdrawn a request for a use variance for a proposed two-fixture powder room in the basement with direct access to the exterior at the subject premises;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- 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 existing one-family dwelling to a two-family dwelling in an M-2 zone at premises located at 19 West 1st Street, Block 9.07, Lot 7, be and the same is hereby approved and the use variance for a two-family residential use in an M-2 zone 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 GEORGE SILVA.
Affirmed by: Comrs George Silva, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **JOHAN KAFIL & TSUNGAS PETROLEUM, INC.** for premises known as: **453-463 Lexington Avenue, Block 7.15, Lots 10 and 11** be and the same is hereby: **GRANTED** preliminary and final site plan approval to construct a mixed use, retail and multi-family residential structure, at the subject premises.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 15, 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 preliminary and final site plan approval to construct a mixed use retail and multi-family residential structure at premises located at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, which premises are located in a BC 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 is seeking preliminary and final site plan approval for a mixed use retail and multi-family residential structure at the subject premises;
- b. On May 5, 2021, the applicant did receive a use variance for the proposed mixed retail use and multi-family residential structure which was subject to site plan approval;
- c. The applicant now appears before the Board seeking preliminary and final site plan approval;
- d. The findings made by the Board in its Resolution of May 5, 2021, granting a use variance are incorporated herein by reference and made a part hereof;
- e. The Board had the benefit of a report from its engineering consultant, Neglia Engineering Associates, dated September 9, 2021;
- f. The applicant has stipulated to compliance with all recommendations set forth in said report of Neglia Engineering Associates;
- g. The Board finds that the site plan provides for a maximum safety of traffic access and egress as well as safety of pedestrian and vehicular traffic on the site;
- h. The site layout and overall appearance of the building and parking area will not have an adverse effect upon the desirability of the adjacent zoning district;
- i. The landscaping, screening, and lighting are reasonable screened from the view of the adjacent residential district;
- j. There is adequate water supply, drainage, sewerage facilities, and other utilities necessary for essential services to the residents and occupants of the proposal;
- k. The site plan has satisfied all the requirements set forth in the site plan ordinance as well as the objectives set forth in said ordinance; and

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

WHEREAS, the Board further finds that there is adequate traffic access, circulation, and parking which will promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to permit demolition and removal of an existing gasoline service station and derelict three-family residential structure and construct a mixed use, retail and multi-family residential structure containing nine (9) residential units on the second floor, with retail and parking on the first floor at premises located at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, be and the same is hereby approved and the preliminary and final site plan approvals be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

A. PASSAIC COUNTY PLANNING BOARD APPROVAL;
B. SUBJECT TO COMPLIANCE WITH ALL RECOMMENDATIONS OF NEGLIA ENGINEERING ASSOCIATES IN ITS REPORT OF SEPTEMBER 9, 2021; 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 GEORGE FOUKAS.

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

MEETING OF SEPTEMBER 15, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **CLIFTON IL, LLC**
for premises known as: **782, 784, 810 & 818 Valley Road, Block 24.01,**
Lots 11, 14, 15 & 18
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 GEORGE SILVA.
Affirmed by: Comrs George Silva, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.