

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, October 6, 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, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS GEORGE SILVA AND ZALMAN GURKOV.

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 Vice-Chrmn Gerard Scorziello, the Minutes of the September 15, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

1. **J & I CHIMICHANGA, LLC a/k/a**
Use **EL MEXICANO CLIFTON**, 1293 Main
Variance; Avenue, Block 11.07, Lot 16 – BC –
Variances 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
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 continued to the December 15, 2021, meeting of the Board at the request of the attorney for the applicant.

NEW HEARINGS

1. **JAMES SHAGAWAT**, 30 Blue Hill Road,
Variances Block 44.03, Lot 30 – RA3 – Variances
requested for driveway previously installed:
1) Driveway is 2' from the left side yard
where 5' is required;
2) Driveway is 28' wide where a maximum
20' is permitted;
3) 7' of the driveway is in front of the house
not serving a garage;
4) Curb cut is 26' where a maximum of 12' is
permitted.

James Shagawat and Eva Shagawat, residing at 30 Blue Hill Road, Clifton, New Jersey, were present and sworn. There were no objectors.

Eva Shagawat testified that she requests variance approval for a driveway previously installed; that the driveway is 2 feet from the left side yard setback where 5 feet is required; that the driveway is 28 feet wide where a maximum of 20 feet is permitted; that 7 feet of the driveway is in front of the house not serving a garage; that the curb cut is 26 feet where a maximum 12 feet is permitted; that the purpose of the driveway is to take parked cars off the street for safety purposes as well as assisting in the snow removal by the City.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the driveway be separated from the walk to the front of the house. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **NAEL SHAABNA**, 191 Abbe Lane,
Variances Block 33.09, Lot 13 – RA3 – Applicant
proposes to expand their driveway to
20' in width. The following variances
are requested:
1) Driveway proposed 1' from the left
side yard where 5' is required.
2) Driveway proposed 3' into the front
yard in an area not serving a garage.

The applicant, residing at 191 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to expand his driveway 20 feet in width; that the driveway proposed is 1 foot from the left side yard setback line where 5 feet is required; that the driveway proposed is 3 feet into the front yard in an area not serving a garage; that the purpose of the expansion of the driveway is to take vehicles off the public street.

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

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

3. **ANNAMARIA & MAURO BARZOLA**,
Variances 170 Rutherford Blvd., Block 60.09, Lot 34
--RA3--Applicant proposes a 2nd story
addition. The following variances are required:
1) Left side yard proposed at 4.53' where 6'
is required (fireplace bump-out).
2) Combined side yards proposed at 9.84'
where 16' is required.
3) Rear 2 story addition is 2.5' from the
existing pool where 10' is required.

The applicants, residing at 170 Rutherford Boulevard, Clifton, New Jersey, were present and sworn. Also present and sworn was Joseph Cestaro of 362 Main Street, Wyckoff, New Jersey, an architect.

Annamaria Barzola testified that the applicant proposes a second story addition to the existing premises.

Mr. Cestaro testified as an architect and stated that the plans for the proposed second story addition were prepared by him; that the applicant is seeking the following variances: a left side yard setback proposed at 4.53 feet where 6 feet is required; combined side yard setback at 9.84 feet where 16 feet is required; that the rear two-story addition is 2.5 feet from the existing pool where 10 feet is required.

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

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

4.
Prelim. &
Final Major
Site Plan

BOTANY VILLAGE PROPERTY LLC,
254 Dayton Avenue, Block 4.18, Lot 21
--PD1 -- For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief. The property is located in a PD-1 Zoning District. The Applicant seeks approval to demolish the existing building on the Property and construct a new mixed-use building consisting of six (6) residential dwelling units within three (3) stories above ground floor commercial (restaurant/tavern) space and related site improvements. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for a non-permitted use, as residential use is not permitted in the PD-1 Zoning District and a height variance pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (30 ft. permitted; 40 ft. proposed). To the extent necessary, Applicant seeks a parking variance for providing less than required number of parking spaces and seeks a conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant further seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) with respect to (1) front yard setback less than required (15 ft. required; 0.37 ft. proposed); and (2) number of building stories greater than permitted (2 stories permitted; 4 stories proposed). The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions, and other approval reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

This matter was continued by the Board to the November 17, 2021, meeting at the request of the attorney for the applicant.

5.
Prelim. &
Final Major
Site Plan

152 164 GETTY AVE CORPORATION,
156 Getty Ave. & Getty Ave., Block 11.03,
Lot 56 & Block 11.22, Lot 1.01 – M-2 – For
amended preliminary and final major site
plan approval (or preliminary and final
major site plan approval, if deemed necessary
and use variance relief (and bulk variance
and design waiver/exception relief, if deemed
necessary). The property is located in the M-2
Zoning District. On February 19, 2020, the
Applicant received approval to construct a
second-story addition to the existing
warehouse and office building, along with
related site improvements. In connection
with the Application, the Applicant received
use variance approval pursuant to N.J.S.A.
40:55D-70(d)(2) for expansion of a
non-conforming use, along with conditional
use variance approval pursuant to N.J.S.A.
40:55D-70(d)(3) for not complying with
certain conditions for a warehouse facility
and bulk variance and design waiver/exception
relief with respect to
(1) front yard setback less than required;
(2) rear yard setback less than required;
(3) side yard setback less than required;
(4) size of parking spaces less than required;
and
(5) parking area setback less than required.
To the extent required, Applicant seeks
conditional use approval or conditional use
variance approval for having parking on a
lot separate from the principal use/principal
structure. The Applicant now seeks amended
approval to use the approved second-story
addition for eighteen (18) residential dwelling
units in lieu of warehouse and office and to
construct related site improvements, including
but not limited to parking lot striping and
improvements, sidewalks, a trash enclosure,
and signage. The Applicant seeks use variance
approval pursuant to N.J.S.A. 40:55D-70(d)(1)
for a non-permitted use, as residential use is
not permitted in the M-2 Zoning District. The
Applicant also seeks any additional deviations,
exceptions, design waivers, submission waivers,
variances, use variance, conditional use
variances, interpretations, continuations of
any pre-existing non-conforming conditions,
de minimis exceptions from the New Jersey
Residential Site Improvement Standards
("RSIS"), modifications or prior imposed
conditions and other approvals reflected on
the final plans (as same may be further amended
or revised from time to time without further

notice) and as may be determined to be necessary during the review and processing of the Application.

Jason R. Tuvel, Esq., with offices at 2 University Plaza, Suite 109, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Thomas Stearns of GB Engineering, 144 Jewell Street, Garfield, New Jersey, an engineer; Michael J. Romanik of 291 Crooks Avenue, Paterson, New Jersey, an architect; and Matthew J. Seckler of Stonefield Engineering of 92 Park Avenue, Rutherford, New Jersey. There was one interested party, Gladys Cuba, 14 Union Avenue, Clifton, New Jersey.

Mr. Tuvel stated that the applicant proposes to amend a prior approval for a second story addition at the existing building at 164 Getty Avenue; that the Board did grant a Resolution dated February 19, 2020, where the applicant did receive approval for a second-story addition to the existing warehouse and office building; that the applicant intends seeks to amend the prior approval to convert the second story into 17 dwelling units with an additional unit on the ground floor, for a total of 18 dwelling units; that all bulk variances were previously granted by the Board; that a use variance is required for a residential use in an M-2 zone.

Thomas Stearns testified as an engineer and stated that he prepared the site plan and the survey; that the points of ingress, egress, parking, space, and access is set forth on the plans; that there is an access easement; that the plans call for 62 parking spaces with 3 ADA parking spaces; that there will be 3 loading spaces; that there will be improvements to the driveway and concrete sidewalks, parking area, and landscape area.

Michael Romanik testified as an architect and stated that he prepared the plans for the second floor addition to accommodate 17 one-bedroom dwelling units and 1 one-bedroom dwelling unit on the existing ground floor; that the units are proposed to all be one-bedroom units ranging in size from 683 square feet to 870 square feet; that a total of 62 parking spaces are proposed; that the plans call for three community rooms consisting of a rec room, lounge, and library; that on the first floor, there will be a tool room, a display room, sample room, catalog room, private offices, supply room, file room, conference room, locker room, and restrooms.

Chrmn Zecchino commented that the applicant is seeking approval for 18 units on one-half acre of property; that the ordinance provides for 20 units on an acre of property; that according to the formula, the applicant would be entitled to 10 dwelling units; that there is concern for the increased density at the site.

Matthew Seckler of Stonefield Engineering gave testimony concerning Traffic and Parking Assessment Report which he prepared and was presented to the Board; he testified as to the existing conditions at the site, proposed trip generations, site circulation and parking supply, and access to the site. He concluded that the proposed development would not have a significant impact on the traffic operation of the adjacent roadway and that the site driveways and on-site layout have been designed to provide for effective access to and from the subject property.

Gladys Cuba of 14 Union Avenue, Clifton, New Jersey, gave her comments concerning parking and traffic.

Mr. Tuvel, on behalf of the applicant, stated that hearing the comments of the Board, that the applicant would be willing to reduce the number of units from 18 to 15 units and eliminate Apt. No. 2, No. 8, and the apartment on the first floor.

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 15 units subject to the applicant obtaining a report from the Fire Department and compliance with all recommendations set forth in the report of Neglia Engineering dated September 28, 2021. Comr Foukas further stated that the applicant should be granted preliminary site plan approval subject to final site plan approval. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

RESOLUTIONS

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

1. Upon motion made by Comr 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 WAEL EL-ZIND for a rear yard setback variance for a deck at 16 Trella Terrace, Block 33.07, Lot 4, was adopted. RA2
2. Upon motion made by Comr Louis DeStefano, 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 JONATHAN KUSHNIR for a left side yard setback variance for an air-conditioning unit at 99 Campbell Avenue, Block 42.13, Lot 31, was adopted. RB1
3. 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 CHERI ALBANESIUS for a 5-foot-high solid fence with 1-foot-high lattice on top, for a total of 6 feet, in the rear yard at 111 Vreeland Avenue, Block 17.02, Lot 20, was adopted. RB1
4. 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 HIREN CHANDRATRE for 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 at 187 Abbe Lane, Block 33.09, Lot 14. RA3
5. 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 DANIEL NOWAK & MEHMET DIKCE for use variance to convert an existing one-family dwelling to a two-family dwelling in an M-2 zone at 19 West 1st Street, Block 9.07, Lot 7, was adopted. M-2
6. Upon motion made by Comr Michael Molner, 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 JOHAN KAFIL & TSUNGAS PETROLEUM, INC. for preliminary and

final site plan approval to construct a mixed use, retail and multi-family residential structure, at 453-463 Lexington Avenue, Block 7.15, Lots 10 and 11, was adopted. BC

7. Upon motion made by Comr Louis DeStefano, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, 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

Chrmn Zecchino called the Board's attention to a communication which was received concerning the application of Clifton Donuts, LLC (John Rader) v. Board of Adjustment; that the applicant proposes to withdraw its request for a drive-thru and has requested the Board to consider an amended site plan proposing two separate stores without the drive-thru.

After discussion, Chrmn Zecchino called for a roll call as to whether the Board was in favor of this request. The roll call showed all seven Board members in favor of considering the proposal.

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

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 6, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JAMES SHAGAWAT**
for premises known as: **30 Blue Hill Road, Block 44.03, Lot 30**
be and the same is hereby: **GRANTED** left side yard setback, driveway width, and curb cut for a driveway partially extending in front of the house not serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 6, 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 bulk variances as aforesaid for a driveway at premises located at 30 Blue Hill Road, Block 44.03, Lot 30, 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 driveway was previously installed;
- b. The driveway is 2 feet from the left side yard setback where 5 feet is required;
- c. The driveway is 28 feet wide where a maximum of 20 feet is permitted;
- d. 7 feet of the driveway is in front of the house not serving a garage;
- e. The curb cut is 26 feet where a maximum of 12 feet is permitted;
- f. The purpose of the driveway is to take cars off the street;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a driveway at premises located at 30 Blue Hill Road, Block 44.03, Lot 30, be and the same is hereby approved and the left side yard, driveway width, curb cut, and driveway in front of a house not serving a garage variances 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 WALKWAY TO THE HOUSE BE SEPARATED FROM THE DRIVEWAY** 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 encroachment 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 VICE-CHRMN GERARD SCORZIELLO.**
Affirmed by: **Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

MEETING OF OCTOBER 6, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **NAEL SHAABNA**
for premises known as: **191 Abbe Lane, Block 33.09, Lot 13**
be and the same is hereby: **GRANTED left side yard setback variance to expand driveway partially extending in front of house not serving a garage.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 6, 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 expand driveway at premises located at 191 Abbe Lane, Block 33.09, Lot 13, 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 driveway is proposed 1 foot from the left side yard where 5 feet is required;
- b. The driveway is proposed 3 feet in an area in front of the house not serving a garage;
- c. The purpose of the driveway expansion is to take cars off the street;
- 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 for a driveway expansion at premises located at 191 Abbe Lane, Block 33.09, Lot 13, be and the same is hereby approved and the left side yard and driveway in front of house not serving a garage variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF OCTOBER 6, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **ANNAMARIA & MAURO BARZOLA**
for premises known as: **170 Rutherford Blvd., Block 60.09, Lot 34**
be and the same is hereby: **GRANTED** variances for left side yard setback,
combined side yard setback, and rear addition distance from the existing swimming
pool for a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 6, 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 as aforesaid for a 2nd-story addition at premises located at 170 Rutherford Boulevard, Block 60.09, Lot 34, 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 a second story addition;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.53 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.84 feet;
- d. The rear two-story addition is 2.5 feet from the existing pool where 10 feet is required;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a second story addition at premises located at 170 Rutherford Boulevard, Block 60.09, Lot 34, be and the same is hereby approved and the variances for left side yard, combined side yards, and distance of addition to the existing pool be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Uri Jaskiel, Scott Sochen, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 6, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **152 164 GETTY AVE CORPORATION**
for premises known as: **156 Getty Ave. & Getty Ave., Block 11.03, Lot 56 &
Block 11.22, Lot 1.01**
be and the same is hereby: **GRANTED preliminary site plan approval and use
variance to convert the second story previously approved into 15 dwelling units.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 6, 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 approval to amend a prior Resolution permitting a second story addition and converting same into 15 dwelling units at premises located at 156-164 Getty Ave., Block 11.03, Lot 56 & Block 11.22, Lot 1.01, which premises are located in an M-2 zone; and

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

- a. The applicant did receive approval by Resolution dated February 19, 2020, to construct a second story addition to the existing warehouse and office building;
- b. The applicant is now coming before the Board requesting an amendment to said site plan and to convert the second story into 15 dwelling units;
- c. A use variance is required since residential is not permitted in an M-2 zone;
- d. The bulk variances for front yard, rear yard, side yard, parking stall size, and parking area setback were previously granted in the Resolution of February 19, 2020;
- e. Based upon the testimony presented by the applicant's experts, the applicant has satisfied the positive and negative criteria required for the grant of the use variance;
- f. The Board had the benefit of reports from its experts, Neglia Engineering, dated September 28, 2021, and Gregory Associates dated September 28, 2021;
- g. The findings set forth in the Resolution of February 19, 2020, are incorporated herein by reference and made a part hereof;
- h. The applicant has stipulated to comply with all recommendations set forth in the report of Neglia Engineering dated September 28, 2021;
- i. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood based upon the testimony of applicant's experts that the proposed development will not have a significant impact on the traffic operations of the adjacent roadways, and there is sufficient parking at the site;

NOW THEREFORE, BE IT RESOLVED that the application to amend the approvals given for a second story addition previously granted to 15 dwelling units at premises located at 156-164 Getty Avenue, Block 11.03, Lot 56 & Block 11.22, Lot 1.01, be and the same is hereby approved and preliminary site plan and use variance be and the same are hereby granted **SUBJECT TO THE FOLLOWING:**

A. FINAL SITE PLAN APPROVAL;
B. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN
THE NEGLIA ENGINEERING REPORT DATED SEPTEMBER 28, 2021;
C. SUBJECT TO A SATISFACTORY REPORT RECEIVED FROM THE
FIRE DEPARTMENT OF THE CITY OF CLIFTON;

and subject to such further governmental approvals as may be required by law
and subject to the following:

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

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

Seconded by: **Comr MICHAEL MOLNER.**

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