

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, October 20, 2021. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: NONE.

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

Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, the Minutes of the October 6, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

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| 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 was previously continued to the December 15, 2021, meeting of the Board.

2.
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 previously continued by the Board to the November 17, 2021, meeting of the Board.

NEW HEARINGS

1. **LAURA POZUELOS-CERRONE**, 555 Allwood Road, Block 68.13, Lot 3 – RA3 – A variance is requested for a 6' high solid fence along the left side yard where a 4' high, 50% open fence is permitted (within the front yard and along the side of the house) and a 5' high fence is permitted (in the rear yard behind the house).

The applicant, residing at 555 Allwood Road, Clifton, New Jersey, was present and sworn. There was one interested party, Maria Ashey of 20 Knoll Place, Clifton, New Jersey.

The applicant testified that she requests variance approval for a 6-foot-high solid fence along the left side yard where a 4-foot-high, 50% open fence is permitted (within the front yard and along the side of the house) and a 5-foot-high is permitted (in the rear yard behind the house); that the purpose is for privacy and protection from animals.

There was a suggestion made for a 5-foot-high fence with a 1-foot lattice which was rejected by the applicant.

Offered into evidence which was marked "P-1" was a photograph of where the fence is proposed.

After a review of the testimony, Comr George Foukas moved to deny the application on the grounds that the applicant has shown no hardship to justify the variance request. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was denied 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. **SOHEL MUNIR**, 63 Ploch Road, Block 27.06, Lot 23 – RA2 – Applicant proposes a 6' high solid fence along the right side of the house where a 4' high, 50% open fence is permitted.

Sohel Munir and Sufia Munir of 63 Ploch Road, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he proposes a 6-foot-high solid fence along the right side of the house where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for privacy; that the house slopes down to the street.

There was a suggestion made for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, and the applicants agreed to amend their application.

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 variance requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner,

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

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

3. **MICHAEL LIBERATORE**, 52-54 Pershing Road,
Block 40.07, Lot 25 – RA3 – Applicant proposes
Variances a “swimming spa” against a deck attached to the
house. A variance is requested for a pool type
accessory structure to be placed against the deck
where a minimum 10’ separation is required.
Applicant also proposed a deck extension to include
a rear yard setback of 28’ where 35’ is required.

The applicant, residing at 52-54 Pershing Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a “swimming spa” against a deck attached to the subject premises; that the variance is requested for the pool-type accessory structure to be place against the deck where a minimum 10 feet separation is required; that the applicant is also proposing a deck extension to include a rear side yard setback of 28 feet where 35 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 Scott Sochon. Voting in the affirmative were Conirs Zalman Gurkov, Scott Sochon, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative was Comr Michael Molner. By a six to one 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. **JEFFREY AVILA**, 61 Craig Place, Block 51.06,
Lot 7 – RA1 – Applicant proposes to build a
Variance two-story addition on the left side of the home.
The following variance is requested:
1) Front yard setback proposed at 21.1’ where
35’ is required (left side only).

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

5. **VIJAY BHATIA**, 35 Surrey Lane, Block 67.01,
Variance Lot 35 – RA3 -- Proposed rear addition and front
vestibule require the following variances:
1) Proposed enclosed front vestibule is 22'4"
from the front lot line where 25' is required.
2) Proposed rear addition has a combined side
yard setback of 14' 3 ½ " where 16' is required.

The applicant, residing at 35 Surrey Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a rear addition and front vestibule at the subject premises: that the front vestibule enclosure is 22.4 feet from the front lot line where 25 feet is required; that the rear addition has a combined side yard setback of 14 feet 3 ½ inches where 16 feet is required.

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

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

6. **CLIFTON IL, LLC**, 782, 784, 810 & 818 Valley
Sub-division; Road, Block 24.01, Lots 11, 14, 15, and 18
Use -- RA1 – This is an application for a subdivision
to divide parts of Lots 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 Use 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;
c. In the 25.1% to 30% slope area, 25%
permitted, 25.3% proposed;
d. 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 applicant far exceeds the number of spaces required by the Zoning Ordinance (17 spaces required, 68 spaces provided).

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant.

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

Chrmn Zecchino called the Board's attention to a communication received from Gerald Friend, Esq., dated October 18, 2021, raising questions concerning the notice served on interested parties and whether the Board has jurisdiction of the matter.

Mr. Carlet also submitted a memorandum dated October 20, 2021, wherein he indicated that the applicant's notice was correct, and the Board did have jurisdiction to hear the matter.

After review, it appears that the notice served upon the interested parties did not indicate that the purpose of the application was to construct an age 62+ senior independent living multi-family residential development consisting of 50 units.

Counsel Pogorelec advised the Board that case law requires the applicant to inform the public of the proposed nature of the use, which in this case, was the 50 unit senior citizen development. Without that basic information, the notice is deficient.

Thereupon, Comr Michael Molner moved to dismiss the matter without prejudice due to a defective notice. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice in the form as more fully appears at the end of these Minutes.

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

7. **CLIFTON ADULT OPPORTUNITY CENTER, INC.,**
 Use 900 Clifton Avenue, Block 35.01, Lot 2 – RA3 –
 Variance; This is an application to construct an additional
 Variance building on the Clifton City Hall property for use by
 the Clifton Adult Opportunity Center.
 Use variances are required because the property
 is zoned for a residential use, and the proposed
 use is not a residential use.
 In addition, not more than one principal use is
 permitted, and there is more than one principal
 use on the property.
 Further, a bulk variance is required because the
 building height proposed is 2.5 stories and only
 2 stories are permitted.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Grace Lisbona, 637 Grove Street, Clifton, New Jersey, executive director of applicant; Michael Kuybida, AIA, of 6 Old Orchard Road, Woodland Park, New Jersey, an architect; and Matthew G. Clark, PE, of MCB Engineering Associates, LLC, 11 Furler Street, Totowa, New Jersey, an engineer. There were a number of objectors: Ann Schenkenberg, 264 Washington Avenue; Judy Gergats, 44 Rosedale Avenue; and Raymond Robertello of 66 Woodlawn Avenue, Clifton, New Jersey.

Mr. Carlet stated that the applicant requests use variance approval to construct an additional building on the Clifton City Hall property for use by the Clifton Adult Opportunity Center; that a use variance is required because the property is zoned for residential use, and the proposed use is not a residential use; that additionally, not more than one principal use is permitted, and there is more than one principal use on the property; that additionally, a bulk variance is required since the building height proposed is 2.5 stories and only 2 stories are permitted.

Objector Raymond Robertello stated that the Board does not have jurisdiction in the matter; that the Board members have been appointed by the Mayor and Municipal Council which constitutes a potential conflict of interest; that an official representative from the City of Clifton should sit with the applicant at the dais to address questions; that the matter should be heard outside of the City of Clifton by another town's zoning board. Chrmn Zecchino requested a legal opinion from Counsel Pogorelec. Counsel Pogorelec stated that the Board does have jurisdiction in the matter, and there is no conflict of interest between the Mayor and Municipal Council and the members of the Zoning Board of Adjustment. Thereupon, the matter proceeded.

Grace Lisbona testified on behalf of the applicant and stated that the applicant, Clifton Adult Opportunity Center, hereinafter referred to as "CAOC" assists developmentally disabled people; that enrollment in the program now exceeds the amount of space that is available to properly serve the people; that the structure will not cost the City of Clifton any money and will be built by money raised by the applicant; that if, in the future, the organization does not exist, then the building will be owned by the City of Clifton; that the CAOC has been in existence for 41 years; that money is received from the State Division of Developmental Disabilities, hereinafter known as "DDD;" that enrollment is open to all disabled people in Passaic County.

Offered into evidence which was marked "A-1" is the history of the CAOC and its people.

There was cross-examination by the objector, Raymond Robertello, Judy Gergats, and Ann Schenkenberg.

Michael Kuybida testified as an architect and stated that he prepared the plans marked identified as "A-1" through "A-3" dated July 14, 2020; that the CAOC will consist of two floors of classrooms and ancillary facilities; that the use is likened to an inherently beneficial use.

Offered into evidence were the following:

"A-2" which is a plan showing the front, rear, and right and left side elevations, also indicating the variances requested as follows:

- a) 2.5 stories proposed, 2 stories permitted;
- b) the use by CAOC is more than one use on the property;
- c) height variance to provide for storage.

Offered into evidence which was marked "A-3" is a letter from the New Jersey Department of Environmental Protection, National and Historic Office, which indicated that the site is an appropriate location for new construction.

There was cross-examination by Raymond Robertello, Ann Schenkenberg, and Judy Gergats.

Matthew G. Clark testified as a professional engineer and stated that he prepared the preliminary and final site plan dated August 11, 2021; that he also prepared the grading and utility plan, the soil erosion and sediment control plan which limits the disturbance for the project to 0.337 acres; that he also prepared the site details and the location of the building on the premises.

There was cross-examination from Raymond Robertello, Ann Schenkenberg, and Judy Gergats.

At this point in the hearing, Chrmn Zecchino stated that the matter would be continued to the November 3, 2021, meeting of the Board, with the applicant providing information concerning the maximum occupancy, a fire report, and a letter from the Historical Society.

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 Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAMES SHAGAWAY for left side yard setback, driveway width, and curb cut for a driveway partially extending in front of the house not serving a garage at 30 Blue Hill Road, Block 44.03, Lot 30, was adopted. RA3

2. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NAEL SHAABNA for left side yard setback variance to expand driveway partially extending in front of house not serving a garage at 191 Abbe Lane, Block 33.09, Lot 13, was adopted. RA3

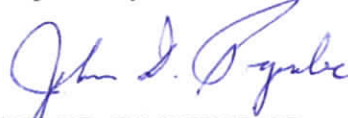
3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ANNAMARIA AND MAURO BARZOLA for variances for left side yard setback, combined side yard setback, and rear addition distance from the existing swimming pool for a second story addition at 170 Rutherford Boulevard, Block 60.09, Lot 34, was adopted. RA3

4. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Uri Jaskiel, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 152 164 GETTY AVENUE CORPORATION for preliminary site plan approval and use variance to convert the second story previously approved into 15 dwelling units at 156 Getty Avenue and Getty Avenue, Block 11.02, Lot 56 and Block 11.22, Lot 1.01, was adopted. M-2

Chrmn Zecchino inquired of the Board concerning a request for a special meeting. After discussion, it was unanimously agreed that once the application for the special meeting is filed, a hearing will be scheduled for December 8, 2021.

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

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 20, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **LAURA POZUELOS-CERRONE**
for premises known as: **555 Allwood Road, Block 68.13, Lot 3**
be and the same is hereby: **DENIED** a variance for a 6-foot-high solid fence along
the left side yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 20, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a 6-foot-high solid fence along the left side yard at premises located at 555 Allwood Road, Block 68.13, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant requests variance approval for a 6-foot-high solid fence along the left side yard where a 4-foot-high 50% open fence is permitted (within the front yard and along the side of the house) and a 5-foot-high fence is permitted (in the rear yard behind the house);
- b. The applicant has indicated that the purpose is for privacy and animals jumping over the neighbor's fence;
- c. The applicant has shown no hardship to justify the grant of the variance requested;
- d. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 6-foot-high solid fence at premises located at 555 Allwood Road, Block 68.13, Lot 3, be and the same is hereby disapproved and the variance be and the same is hereby denied.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF OCTOBER 20, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **SOHEL MUNIR**
for premises known as: **63 Ploch Road, Block 27.06, Lot 23**
be and the same is hereby: **GRANTED a 5-foot-high solid fence with a 1-foot lattice**
on top, for a total of 6 feet, along the right side of the house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 20, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet at premises located at 63 Ploch Road, Block 27.06, Lot 23, 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 requests variance approval for a 6-foot-high solid fence along the right side of the house where a 4-foot-high, 50% open fence is permitted;
- b. The purpose of the fence is for privacy;
- c. The applicant revised its plans to a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the right side of the house;
- d. The property slopes down to the street;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the right side of the house at premises located at 63 Ploch Road, Block 27.06, Lot 23, be and the same is hereby approved and the fence height 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 VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 20, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **MICHAEL LIBERATORE**
for premises known as: **52-54 Pershing Road, Block 40.07, Lot 25**
be and the same is hereby: **GRANTED** pool-type accessory structure to be placed against the deck and a deck extension in the rear yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 20, 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 pool-type accessory structure to be placed against the deck and a deck extension in the rear yard at premises located at 52-54 Pershing Road, Block 40.07, Lot 25, 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 "swimming spa" pool-type accessory structure to be placed against the deck where a 10 foot separation is required;
- b. The applicant also proposes a deck extension to include a rear yard setback of 28 feet where 35 feet is required;
- c. The applicant has shown sufficient hardship to justify the grant of the variances 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 "swimming spa" pool-type accessory structure against the deck and a deck extension in the rear yard at premises located at 52-54 Pershing Road, Block 40.07, Lot 25, be and the same is hereby approved and the variances for distance between accessory structure and deck and rear yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF OCTOBER 20, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **VIJAY BHATIA**
for premises known as: **35 Surrey Lane, Block 67.01, Lot 35**
be and the same is hereby: **GRANTED** combined side yard setback variance for a rear addition and front yard setback for a front vestibule.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 20, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests combined side yard setback and front yard setback variances for a rear addition and front vestibule at premises located at 35 Surrey Lane, Block 67.01, Lot 35, 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 requests a variance for combined side yard setback to erect a rear addition where 16 feet is required and the applicant proposes 14 feet 3 ½ inches;
- b. The applicant requests a variance for front yard setback to enclose the front vestibule where 25 feet is required and the applicant proposes 22 feet 4 inches;
- c. The applicant has shown sufficient hardship to justify the grant of the variances 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 rear addition and front vestibule at premises located at 35 Surrey Lane, Block 67.01, Lot 35, be and the same is hereby approved and the combined side yard setback variance and front yard setback variance 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 cost of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

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

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

Resolution moved by: Comr SCOTT SOCHON.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF OCTOBER 20, 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, and 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 are 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 MICHAEL MOLNER.**
Seconded by: **Comr ZALMAN GURKOV.**
Affirmed by: **Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**