

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, November 3, 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 Louis DeStefano, the Minutes of the October 20, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

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

3. **JEFFREY AVILA**, 61 Craig Place, Block 51.06,
Variance Lot 7 – RA1 – Applicant proposes to build a
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.

4. **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: Michael Kuybida, AIA, of 6 Old Orchard Road, Woodland Park, New Jersey, an architect. There were two objectors: Ann Schenkenberg, 268 Washington Avenue; and Raymond Robertello of 66 Woodlawn Avenue, Clifton, New Jersey.

This is a continued hearing from the October 20, 2021, meeting of the Board.

Mr. Robertello objected to the Board continuing the matter since the application is not signed by the Mayor of the City of Clifton. There was discussion before the Board concerning the action taken by the Mayor and Municipal Council. There was a five to one vote approving the site for the construction of an additional building on the Clifton City Hall property. The action taken by the Mayor and Municipal Council in approving the site resulted in a consent by the governing body to permit the applicant to file the application with the Zoning Board of the City of Clifton, and the fact that the Mayor did not sign the application should not result in a defective application. Thereupon, Chrmn Zecchino stated that the members of the Board would be polled to determine whether to continue hearing the matter. Comr DeStefano made a motion to have the Board continue hearing the matter presented by the applicant. The motion was seconded by Comr Sochon. Voting to continue the matter were Comrs Gurkov, Sochon, Molner, DeStefano, Foukas, Vice-Chrmn Scorziello, and Chrmn Zecchino. By a seven to zero vote, the motion carried, and the applicant was instructed to continue to present its application.

Mr. Carlet offered into evidence which was marked “A-4” a report from the City of Clifton Fire Department dated November 3, 2021, which contained recommendations to be added to the plans submitted by the applicant; and also a communication dated October 21, 2021, from Michael Kuybida, the architect for the applicant, indicating the maximum occupancy for the building.

Mr. Kuybida testified that the maximum occupancy for the first floor offices is 3 occupants; for the first floor, 62 occupants; and for the second floor 66 occupants.

There was cross-examination by Mr. Robertello.

Offered as evidence which was marked “O-1” is a copy of the application for development; and “O-2” is Form 990 tax exemption of the Clifton Adult Opportunity Center.

There also was cross examination concerning the occupancy of the building by Ann Schenkenberg.

In his closing statement, Mr. Robertello objected to the application, stating that the property was a historically significant property, on the State and National Registry; that it was a private entity going on public property; that there are multiple uses; that there are safety issues.

In her closing statement, Ann Schenkenberg objected to the application on the grounds that there are safety issues with multi-story buildings for special needs populations; that are there restrictions for the future use of the property for residential; that it is a historic public land with a private building being built on it and this may set a bad precedent; that there is a potential for flooding with impervious surfaces.

In his closing statement, Mr. Carlet stated that the proposed site is an appropriate location for new construction and is an inherently beneficial use; that the City will own the building; that the applicants will occupy the building; that there will be no cost to the City of Clifton.

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

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

NEW HEARINGS

1. **ANDREA SYMISTER**, 211 DeMott Avenue,
Variance Block 20.27, Lot 1 – RB1 – Applicant requests the following variance for the installation of an above ground swimming pool:
1) Pool will be located 15’ from the street side lot line where 25’ is required.

The applicant, residing at 211 DeMott Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for the installation of an above-ground swimming pool at the subject premises; that the pool will be located 15 feet from the street side lot line where 25 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 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.

2. **Yael Krumbein**, 36 Laurel Avenue, Block 50.10, Lot 27 – RA2 – Proposed attic addition and renovation creates a 2 ½ story home where 2 stories are permitted. Right side yard is 4.5’ where 6’ is required and A/C units proposed less than 6’ from the right side lot line.

The applicant, residing at 36 Laurel Avenue, Clifton, New Jersey, was present and sworn. There were three interested parties in favor of the application: Joseph Krause, 32 Laurel Avenue; Chaim Bodner, 31 Laurel Avenue; and Marc Lieberman, 94 Virginia Avenue, all of the City of Clifton, New Jersey.

The applicant testified that she requests variance approval for a proposed attic addition and renovation at the subject premises which creates a 2 ½ story dwelling where 2 stories are permitted; that she requests variance approval for the right side yard setback where 6 feet is required and 4.5 feet is provided; that the air-conditioning units are proposed less than 6 feet from the right side lot line, and a variance is required.

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

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

3. **Carlos Morochó**, 36 Union Avenue, Block 11.18, Lot 23 – RB2 – New 14’ x 14’ garage already constructed requires the following variances:
- 1) Right side yard is 2’ where 5’ is required;
 - 2) Rear yard setback is 4’ where 5’ is required;
 - 3) Lot coverage is 27.5% where 25% is permitted; and
 - 4) Driveway (new portion) is 2’ from right side yard where 5’ is required.

The applicant, residing at 36 Union Avenue, Clifton, New Jersey, was present and sworn and gave testimony through his interpreter. There was one interested party, John Foukas of Independence Court, Clifton, New Jersey.

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

Through his interpreter, the applicant testified that the new 14- by 14-foot garage is already constructed at the subject premises; that the applicant is seeking a variance for a right side yard setback where 5 feet is required, and the applicant is providing 2 feet; that a rear yard setback variance is requested where 5 feet is required, and 4 feet is provided; that the lot coverage permitted is 25 percent, and the applicant is seeking 27.5 percent; that the driveway (new portion) is 2 feet from the right side yard where 5 feet is required.

Mr. Foukas stated that he has no objections to the application.

There was some discussion by the Board concerning the size of the door should be 6 feet instead of 8 feet and that there be a separation between the driveway and the shed.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the door be 6 feet instead of 8 feet and that there be a separation between the driveway and the shed at the premises. The motion was seconded by Vice-Chrmn Gerard Scorziello. 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 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. **MAHA MAROGI**, 46 South Parkway,
Use Block 60.05, Lot 16 – M-2 – Applicant seeks
Variance; use variance and bulk variances to convert
Variances the existing two-family, three story residential
house to a three-family house and to permit
construction of a rear addition to expand the
existing building and dwelling units.
In addition to the use variance requested,
the applicant specifically requests bulk
variances for lot area and lot width (both of
which are pre-existing), for a left side yard
setback and for all other variances and/or
waivers that may be required.

Alfred V. Acquaviva, Esq, with offices at 1114 Goffle Road, Hawthorne, New Jersey, appeared on behalf of the applicant. Present and sworn was Michael J. Romanik with offices at 291 Crooks Avenue, Paterson, New Jersey, an architect. The following were objectors to the application: Eladio Villanueva, 83 S. Parkway; Leslie J. Navaro, 64 S. Parkway; Fernando Rosario, 68 S. Parkway; Cristium A. Nuvarro, 64 South Parkway; Larry Mesmer, 75 South Parkway; Ari Dahan, 67 South Parkway; Nichlas Anorello, 100 South Parkway; Doris Roman Lewis, 96 South Parkway; Doroteo Velante, 71 So. Parkway, all of the City of Clifton, New Jersey.

Mr. Acquaviva stated that the applicant seeks use variance and bulk variances to convert the existing two-family, three story house to a three-family house and to construct a rear addition to expand the existing building and dwelling units.

Mr. Romanik testified as an architect and stated that he prepared the plans which calls for the construction of an addition to the existing building and a conversion of a two-family into a three-family; that the rear addition will be 12- by 44-feet; that the ground floor will be converted to a one-bedroom unit; that the second floor will be expanded to include a master suite with a walk in closet and bathroom; that the third floor will be converted from two bedrooms to a three bedroom unit; that the applicant is seeking a use variance for the expansion of a residence in an M-2 zone which does not permit residential; that the lot area proposed is 7,758 square feet and existing where 10,000 square feet is required; that the lot width is existing and proposed at 75 feet where 100 feet is required; that the side yard setback requirement is 14 feet 2 inches, and the applicant is proposing an existing 11.5 feet; that there is also a lot coverage variance required.

The Board is in receipt of a report from its planning consultant, Gregory Associates, dated August 17, 2021.

In objecting to the application, the arguments raised by the objectors who testified were concerning the parking and traffic; failure to prove hardship, a use not permitted in the zone; undersized lot for a multi-family use; detrimental to the neighborhood; and a gross overuse of the premises.

Mr. Acquaviva stated that the proposal fits with the use and character of the surrounding area; that if approved, the proposal will represent a substantial improvement, not only to the subject property but to the surrounding area; that there are no negative impacts.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application, citing the fact that there is no benefit to expand a non-conforming use and instructed the Counsel Secretary to prepare the proper Resolution for denial of the application. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was 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.

5.
Use
Variance;
Variances
- MAHA MAROGI**, 52 South Parkway,
Block 60.05, Lot 15 – RA3 – Applicant
seeks use variance and bulk variances to
convert the existing two-family, three
story residential house to a three-family
house and to permit construction of a rear
addition to expand the existing building
and dwelling units.
In addition to the use variance requested,
the applicant specifically requests bulk
variances for lot area and lot width (both
of which are pre-existing), for a right side
yard setback and for all other variances
and/or waivers that may be required.

Mr. Acquaviva requested that the matter be continued. Thereupon, the matter was continued to the January 6, 2022, meeting of the Board.

RESOLUTIONS

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

1. Upon motion made by Comr George Foukas, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of LAURA POZUELOS-CERRONE for a variance for a 6-foot-high solid fence along the left side yard at 555 Allwood Road, Block 68.13, Lot 3. RA3
2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SOHEL MUNIR 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 63 Ploch Road, Block 27.06, Lot 23. RA2
3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MICHAEL LIBERATORE for a pool-type accessory structure to be placed against the deck and a deck extension in the rear yard at 52-54 Pershing Road, Block 40.07, Lot 25, was adopted. RA3
4. Upon motion made by Comr Scott Sochon, seconded by Comr George Foukas, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VIJAY BHATIA for a combined side yard setback variance for a rear addition and front yard setback for a front vestibule at 35 Surrey Lane, Block 67.01, Lot 35, was adopted. RA3
5. Upon motion made by Comr Michael Molner, seconded by Comr Zalman Gurkov, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of CLIFTON IL, LLC for subdivision and dwelling units at 782, 784, 810 & 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18, was adopted. RA1

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 NOVEMBER 3, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **CLIFTON ADULT OPPORTUNITY CENTER, INC.** for premises known as: **900 Clifton Avenue, Block 35.01, Lot 2** be and the same is hereby: **GRANTED** use variances and bulk variances for building height to construct an additional building on the Clifton City Hall property for use by the Clifton Adult Opportunity Center.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 3, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval to construct an additional building on the Clifton City hall property at premises located at 900 Clifton Avenue, Block 35.01, Lot 2, which premises are located in an RA3 zone; and

WHEREAS, the Board has the benefit of reports from its experts, Gregory Associates, LLC dated October 18, 2021, and Neglia Engineering Associates dated October 14, 2021 as well as the Clifton Fire Department dated November 3, 2021; and

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

- a. The applicant requests use variance approval to construct an additional building on the Clifton City Hall property which is zoned for residential use, and the proposed use is not a residential use;
- b. Not more than one principal use is permitted, and on the premises in question, there is more than one principal use on the property;
- c. Based upon the testimony presented by the applicant's architect, the use is an inherently beneficial use and satisfies the positive criteria;
- d. Based upon the testimony presented by the applicant's engineer, there is sufficient parking at the site which satisfies the negative criteria required by the statute;
- e. The applicant has sustained the burden of proof required for the grant of the use variances requested;
- f. The benefits of the application outweigh the detriments, if any;
- g. The applicant has shown sufficient hardship to justify the grant of the height variance;
- h. The applicant has obtained approval from the Mayor and Municipal Council for the location of the additional building on the Clifton City Hall property;
- i. The applicant has obtained approval from the State of New Jersey, Department of Environmental Protection, approving the proposed site as an appropriate location for new construction;
- j. The applicant provides services for developmentally disabled citizens in the City of Clifton; 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 community;

NOW THEREFORE, BE IT RESOLVED that the application to construct an additional building on the Clifton City Hall property at premises located at 900 Clifton Avenue, Block 35.01, Lot 2, be and the same is hereby approved and the use variance for the proposed use which is not a residential use in a residential zone and a use variance for more than one principal use on the property and bulk variance for building height of 2.5 stories be and the same are hereby granted subject to such further governmental approvals as may be required by law and **SUBJECT TO THE FOLLOWING:**

**A. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;
B. SUBJECT TO ALL PROVISIONS OF THE REPORT OF NEGLIA ENGINEERING ASSOCIATES DATED OCTOBER 14, 2021;
C. SUBJECT TO ALL PROVISIONS OF THE CLIFTON FIRE DEPARTMENT IN ITS REPORT OF NOVEMBER 3, 2021; and** subject to the following:

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF NOVEMBER 3, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ANDREA SYMISTER for premises known as: 211 DeMott Avenue, Block 20.27, Lot 1 be and the same is hereby: GRANTED bulk variance for street side lot line for the installation of an above-ground swimming pool.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 3, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to install an above-ground swimming pool at premises located at 211 DeMott Avenue, Block 20.27, Lot 1, which premises are located in an RB1 zone; and

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

- a. The applicant proposes the installation of an above-ground swimming pool at the subject premises;
- b. The proposed pool will be located 15 feet from the street side lot line where 25 feet is required;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested due to the irregular shape of the property;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to install an above-ground swimming pool at premises located at 211 DeMott Avenue, Block 20.27, Lot 1, be and the same is hereby approved and the variance for street side lot line 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 NOVEMBER 3, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **Yael Krumbein**
for premises known as: **36 Laurel Avenue, Block 50.10, Lot 27**
be and the same is hereby: **GRANTED** bulk variances for an attic addition and
renovations creating a 2.5 story dwelling and air-conditioning units.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 3, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a proposed attic addition and renovations with air-conditioning units at premises located at 36 Laurel Avenue, Block 50.10, Lot 27, which premises are located in an RA2 zone; and

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

- a. The applicant proposes an attic addition and renovations at the subject premises;
- b. The renovation creates a 2 ½ story home where 2 stories are permitted;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 4.5 feet;
- d. The air-conditioning units proposed are less than 6 feet from the right side lot line;
- 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 an attic addition and renovations at premises located at 36 Laurel Avenue, Block 50.10, Lot 27, be and the same is hereby approved and the variances for number of stories, right side yard, and right side lot line be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

MEETING OF NOVEMBER 3, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **CARLOS MOROCHO**
for premises known as: **36 Union Avenue, Block 11.18, Lot 23**
be and the same is hereby: **GRANTED** variances for right side yard setback, rear yard setback, lot coverage, and driveway setback for a garage already constructed.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 3, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a garage already constructed at premises located at 36 Union Avenue, Block 11.18, Lot 23, which premises are located in an RB2 zone; and

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

- a. The applicant has erected a 14- by 14-foot garage at the subject premises;
- b. The right side yard setback is 5 feet, and the applicant is proposing 2 feet;
- c. The rear yard setback requirement is 5 feet, and the applicant is proposing 4 feet;
- d. The lot coverage permitted is 25 percent, and the applicant is requesting 27.5 percent;
- e. The driveway (new portion) is 2 feet from the right side yard where 5 feet is required;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a 14- for 14-foot existing garage already constructed and driveway at premises located at 36 Union Avenue, Block 11.18, Lot 23, be and the same is hereby approved and the variances for right side yard setback, rear yard setback, lot coverage, and driveway from right side 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:**

A. THAT THE DOOR BE 6 FEET INSTEAD OF 8 FEET;
B. THAT THERE BE A SEPARATION BETWEEN THE DRIVEWAY AND THE SHED; 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 VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 3, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MAHA MAROGI for premises known as: 46 South Parkway, Block 60.05, Lot 16 be and the same is hereby: DENIED use variances and bulk variances to convert an existing two-family to a three-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 3, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance and bulk variances to convert the existing two-family dwelling to a three-family dwelling at premises located at 46 South Parkway, Block 60.05, Lot 16, which premises are located in an M-2 zone; and

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

- a. The applicant presently has a two-family dwelling at the site in question and proposes an expansion to a three-family;
- b. The existing two-family dwelling is located in an M-2 zone which does not permit residential uses;
- c. The proposed expansion by the applicant represents a gross overuse of the premises;
- d. In addition to the use variance, the applicant is seeking bulk variances for minimum lot area, minimum lot width, minimum lot depth, rear yard setback, and lot coverage;
- e. The applicant has failed to sustain the burden of proof to satisfy the positive and negative criteria required for the grant of a use variance;
- f. There has been no hardship to justify the bulk variances requested;
- g. The detriments of the application outweigh the benefits, if any;
- h. Based upon the testimony of the objectors present, the proposal would be detrimental to the health, safety, and general welfare of the neighborhood;
- i. The proposal to expand a non-conforming use is not in accord with the intent and purpose of the master plan and the zone ordinance;

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 as aforesaid for the conversion of a two-family dwelling to a three-family dwelling at premises located at 46 South Parkway, Block 60.05, Lot 16, be and the same is hereby disapproved and the use variance and bulk variances be and the same are hereby denied.

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