

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, November 17, 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 Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the November 3, 2021 regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

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| 1.
Use
Variance;
Variances | 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 |
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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 continued by the Board until the January 5, 2022, meeting of the Board at the request of the attorney for the applicant.

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 January 5, 2022, meeting at the request of the applicant.

4. **MAHA MAROGI**, 52 South Parkway,
Use Block 60.05, Lot 15 – RA3 – Applicant
Variance; seeks use variance and bulk variances to
Variances 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.

At the request of the attorney for the applicant, this matter was dismissed without prejudice in the form as more fully appears at the end of these Minutes.

NEW HEARINGS

1. **RAFAEL DE LEON**, 8 Ploch Road,
Variances Block 26.05, Lot 17 – RA3 – Applicant
proposes to build a rear addition and a
second floor add a level. This application
will attach the existing detached garage
to the house. The following variances
are requested:
1) Lot coverage proposed at 31% where 27%
is permitted.
2) Existing garage rear yard setback is 19.3'
where 35' is required once connected to the
house.
3) Existing left side yard is 3.2' at the garage
where 6' is now required;
4) Combined side yards is 9.7' where 16' is
required.

The applicant, residing at 8 Ploch Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Michael Capo, AIA, an architect, with offices at 12 Brookhill Terrace, Clifton, New Jersey. There were no objectors.

The applicant testified that he requests variance approval to build a rear addition and a second floor add-a-level.

Mr. Capo testified as an architect and stated that he prepared the plans for the application, and he reviewed the same with the Board; that the application will attach the existing detached garage to the house; that the applicant is seeking the following variances: 1) lot coverage proposed at 31 percent where 27 percent is permitted; 2) existing garage rear yard setback is 19.3 feet where 35 feet is required once connected to the house; 3) existing left side yard setback requirement is 6 feet, and the applicant is proposing 3.2 feet; 4) the combined side yard setback requirement is 16 feet, and the applicant is proposing 9 feet 7 inches.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances. 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.

2. **ROCCO SPOON JR.**, 25 Knollwood Terr.,
Use Block 78.08, Lot 33 – RA3 – Applicant
Variance requests a use variance for a bathroom and a stall shower in the basement. The basement does not have access to the exterior, so a two fixture, toilet and sink, is permitted.

The applicant, residing at 25 Knollwood Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests a use variance for a bathroom and a stall shower in the basement of the subject premises; that the basement does not have access to the exterior; that his mother-in-law lives with the family, and this is the reason for the bathroom with a shower, toilet, and sink.

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

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

3. **CARL SILVER**, 103 Virginia Avenue, Block 50.09, Lot 16 – RA2 – Applicant proposes a second story addition over the existing second floor. The following variances are requested:
- 1) Left side yard is 5.68' where 6' is required;
 - 2) Attic dormer creates a third story where 2 stories are permitted.

The applicant, residing at 103 Virginia Avenue, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he proposes a second story addition over the existing second floor at the subject premises; that variances are requested as follows: 1) left side yard setback requirement is 6 feet, and the applicant is proposing 5.68 feet; 2) the attic dormer creates a third story where two stories are permitted.

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 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.

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 Louis DeStefano, 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 GRANTING the application of CLIFTON ADULT OPPORTUNITY CENTER, INC. for 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 at 900 Clifton Avenue, Block 35.01, Lot 2, was adopted. 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 ANDREA SYMISTER for bulk variance for street side lot line for the installation of an above-ground swimming pool at 211 DeMott Avenue, Block 20.27, Lot 1, was adopted. RB1

3. Upon motion made by Comr George Foukas, seconded by Vice-Chrmn Gerard Scorziello, 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 Yael Krumbein for bulk variances for an attic addition and renovations creating a 2.5 story dwelling and air-conditioning units at 36 Laurel Avenue, Block 50.10, Lot 27, was adopted. RA2

4. Upon motion made by Comr Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CARLOS MOROCHO for variances for right side yard setback, rear yard setback, lot coverage, and driveway setback for a garage already constructed at 36 Union Avenue, Block 11.18, Lot 23, was adopted. RB2

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Zalman Gurkov, 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 MAHA MAROGI for use variances and bulk variances to convert an existing two-family to a three-family dwelling at 46 South Parkway, Block 60.05, Lot 16, was adopted. M-2

Chrmn Zecchino called the Board's attention to a communication dated November 8, 2021, from the law firm of Gaccione Pomaco who represents **Mount Prospect Park, LLC**, 62-66 Mt. Prospect Avenue, Block 36.01, Lot 11.01. The communication requested that the use variance and site plan approval granted by the Board to the aforesaid applicant on August 15, 2018, expired on September 5, 2021, and that the applicant is respectfully requesting a one-year extension from September 5, 2021, to September 5, 2022.

Thereupon, Comr Scott Sochon moved to grant the one-year extension as 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 one-year extension was granted.

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

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF NOVEMBER 17, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **MAHA MAROGI**
for premises known as: **52 South Parkway, Block 60.05, Lot 15**
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE** to convert from
a two- to a three-family dwelling.

This matter, coming on for hearing before the Board, and at the request of the
attorney for the applicant;

NOW THEREFORE, BE IT RESOLVED that the application is hereby dismissed
without prejudice.

Resolution moved by: **Comr MICHAEL MOLNER.**
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 17, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **RAFAEL DE LEON**
for premises known as: **8 Ploch Road, Block 26.05, Lot 17**
be and the same is hereby: **GRANTED** lot coverage, rear yard setback, left side
yard setback, and combined side yard setback for a rear addition and a second floor
add-a-level.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 17, 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 to build a rear addition and a second floor add-a-level at premises located at 8 Ploch Road, Block 26.05, Lot 17, which premises are located in an RA3 zone; and

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

- a. The applicant proposes to build a rear addition and a second floor add-a-level at the subject premises;
- b. The proposed application will attach the existing detached garage to the house;
- c. The lot coverage permitted is 27 percent, and the applicant is requesting 31 percent;
- d. The existing rear yard setback is 35 feet, and the applicant is proposing 19.3 feet;
- e. The left side yard setback requirement is 6 feet, and the applicant is proposing 3.2 feet;
- f. The combined side yard setback requirement is 16 feet, and the applicant is proposing 9.7 feet;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested due to the irregular shape of the property;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a rear addition and a second floor add-a-level at premises located at 8 Ploch Road, Block 26.05, Lot 17, be and the same is hereby approved and the variances for lot coverage, rear yard setback, left side yard setback, and combined 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:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF NOVEMBER 17, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **ROCCO SPOON JR.**
for premises known as: **25 Knollwood Terr., Block 78.08, Lot 33**
be and the same is hereby: **GRANTED** use variance for a bathroom and a stall shower in the basement.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 17, 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 use variance approval for a bathroom and a stall shower in the basement at premises located at 25 Knollwood Terrace, Block 78.08, Lot 33, 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 use variance approval for a bathroom and a stall shower in the basement at the subject premises;
- b. The applicant's mother-in-law lives with the family, and this is the purpose for having a bathroom and a stall shower in the basement;
- c. The basement does not have access to the exterior;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a bathroom and a stall shower in the basement at premises located at 25 Knollwood Terrace, Block 78.08, Lot 33, be and the same is hereby approved and the use 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 MICHAEL MOLNER.

Seconded by: Comr ZALMAN GURKOV.

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

MEETING OF NOVEMBER 17, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CARL SILVER for premises known as: 103 Virginia Avenue, Block 50.09, Lot 16 be and the same is hereby: GRANTED a second story addition over the existing second floor.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 17, 2021. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a second story addition over the existing second floor at premises located at 103 Virginia Avenue, Block 50.09, Lot 16, which premises are located in an RA2 zone; and

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

- a. The applicant proposes a second story addition over the existing second floor of the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.68 feet;
- c. The attic dormer creates a third story where two stories are permitted;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested due to the irregular shape of the property;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a second story addition over the existing second floor at premises located at 103 Virginia Avenue, Block 50.09, Lot 16, be and the same is hereby approved and the variances for left side yard setback and attic dormer 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 SCOTT SOCHON.

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 17, 2021.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **MT. PROSPECT PARK, LLC**
for premises known as: **62-66 Mt. Prospect Avenue, Block 36.01,**
Lots 10.01 and 11.01
be and the same is hereby: **GRANTED** a one-year extension to September 5, 2022.

WHEREAS, the applicant was granted use variance and site plan approval for a 2-story building with 36 residential units and 68 parking spaces on August 15, 2018; and

WHEREAS, the applicant, through its counsel, has requested an extension of the aforesaid use variance and site plan approval to run through September 5, 2022;

NOW THEREFORE, BE IT RESOLVED that the use variance and site plan previously granted as aforesaid be and the same is hereby extended to run through September 5, 2022 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.

Resolution moved by: Comr SCOTT SOCHON.
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.