

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 15, 2021. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: COMR GEORGE FOUKAS.

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 December 1, 2021, regular meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, the Minutes of the December 8, 2021, special meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

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

This matter was previously continued to the January 19, 2022, 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 until the January 5, 2022, meeting of the Board.

3. **680 CLIFTON, LLC**, 680 Route 3, Block 80.01, Lot 70 (and adjoining Lot 30) – B-C –
Use For Minor sub-division, bulk variance
Variance; (pre-existing non-conformance), and use
Variance variance (expansion of a pre-existing non-conforming use) approvals, to permit the expansion, subdivision, and assemblage of a strip of land, containing approximately 9,752.4 sf, with the current lot, containing approximately 3.43 ac., including bulk variance for maximum lot coverage (pre-existing non-conformance; 50% required, 92.5% existing, and 91.75% requested (adjoining lot: 86.1% existing, 86.2% requested)), and use variance (expansion of a pre-existing non-conforming use; N.J.S.A. 40:55D-70.d(2)). In addition, this Applicant will request such variances, waivers, permits, approvals, or licenses that the Board deems necessary or appropriate.

This matter was previously continued by the Board until the January 19, 2022, meeting of the Board.

NEW HEARINGS

1. **SALLY ANN FERNANDEZ**, 88 Hadley Avenue,
Variance Block 12.23, Lot 33 – RB1 – Applicant requests a
6’ solid fence already installed around the backyard
where only 5’ solid fence is permitted.

The applicant, residing at 88 Hadley Avenue, Clifton, New Jersey, was present and sworn. There was one interested party, Wayne Murray, 90 Hadley Avenue, Clifton, New Jersey.

The applicant testified that she requests variance approval for a 6-foot-high solid fence already installed around the rear yard of the premises; that she was advised that the ordinance only permits a 5-foot-high solid fence.

Wayne Murray testified that he has no objections to the fence.

There was discussion amongst the Board members concerning the height of 6 feet; that the Board would be receptive to granting a 5-foot-high solid fence with a 1-foot-high lattice on top; that this proposal was presented to the applicant who stated that she would stipulate to a 5-foot-high fence with a 1-foot-high lattice, for a total of 6 feet.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr George Silva. 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.

2. **ELIZABETH SAHARIG-ROMERO**, 74 Luddington Avenue, Block 18.06, Lot 19 – RB1 – Applicant already installed a gazebo to the left side of their home and the following variances are requested:
- 1) Gazebo is 3' from the home where a minimum of 10' is required;
 - 2) Gazebo is 36'2" from front lot line where 60' is required.

Elizabeth Saharig-Romero and Juan Carlos Romero, residing at 74 Luddington Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Elizabeth Saharig-Romero testified that she requests variance approval for a gazebo which has already been installed at the subject premises; that the gazebo is located to the left side of their home and requires a variance being 3 feet from the home where a minimum of 10 feet is required; that the gazebo is 36 feet 2 inches from the front lot line where 60 feet is required.

After a review of the testimony, Comr Louis DeStefano 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 Michael Molner. 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.

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 Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JEFFREY AVILA for a front yard setback variance to build a two-story addition on the left side of the home at 61 Craig Place, Block 51.06, Lot 7, was adopted. RA1

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of VYOMESH SHAH for right side yard, combined side yard, and front yard setback variances for a rear addition at 12 Beverly Hill Road, Block 65.07, Lot 20, was adopted. RA3

3. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, and Chrmn Mark Zecchino, the Resolution GRANTING the application of HANSEL PENA for a 5-foot-high solid fence with a 1-foot-high lattice, for a total of 6 feet, along the left side yard and a 6-foot-high solid fence along the rear yard lot line at 92 Rock Hill Road, Block 38.09, Lot 27, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NARENDRA RANA for a 4-foot-high solid fence with a 1-foot-high lattice on top, for a total of 5 feet, along the street side yard, at 171 South Parkway, Block 60.09, Lot 1, was adopted. RA3

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JAMIE LYNNE SALEK for variance for a two-story accessory structure and height variance to replace an existing garage with a two-story “barn” accessory structure at 1239 Valley Road, Block 74.06, Lot 17, was adopted. RA1

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DAUGHTERS OF MIRIAM for minor subdivision, use variance, and bulk variances to permit subdivision of Block 24.07, Lot 1 into two lots at 155 Hazel Street, Block 24.07, Lot 1, was adopted. R-HR

7. Upon motion made by Comr Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AURELIJE & ELZABETA ZOVKO for use variance and bulk variances to remodel the exterior of the building and add a porch/deck in the front of the existing use as well as modify the rear yard to include four parking spaces with access from Van Houten Avenue at 944 Van Houten Avenue, Block 35.11, Lot 17, was adopted. B-C

8. Upon motion made by Comr Louis DeStefano, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution AFFIRMING the Legal Notice listing all Clifton Zoning Board of Adjustment hearing dates for the calendar year 2022, was adopted.

9. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING JOHN D. POGORELEC as COUNSEL SECRETARY to the Clifton Zoning Board of Adjustment for the calendar year 2022, was adopted.

10. Upon motion made by Comr Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, and Chrmn Mark Zecchino, the Resolution APPOINTING GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, as its Planner for the Clifton Zoning Board of Adjustment for the calendar year 2022 and prepare the Annual Report for the Board for 2021, was adopted.

11. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Engineer for the Clifton Zoning Board of Adjustment for the calendar year 2022, was adopted.

12. Upon motion made by Comr Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect for the Clifton Zoning Board of Adjustment for the calendar year 2022, was adopted.

13. Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Traffic Consultant for the Clifton Zoning Board of Adjustment for the calendar year 2022, was adopted.

14. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution APPOINTING LAURA A. CARUCCI, CSR, RPR, LLC as its Certified Shorthand Reporter for the Clifton Zoning Board of Adjustment for the calendar year 2022, was adopted.

There being no further business before the Board, Comr Louis DeStefano 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 DECEMBER 15, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SALLY ANN FERNANDEZ for premises known as: 88 Hadley Avenue, Block 12.23, Lot 33 be and the same is hereby: GRANTED a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, around the back yard.

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

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

WHEREAS, the applicant requests variance approval for a 6-foot-high solid fence installed around the back yard at premises located at 88 Hadley Avenue, Block 12.23, Lot 33, which premises are located in an RB1 zone; and

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

- a. The applicant erected a 6-foot-high solid fence at the subject premises and was unaware that she required a permit;
- b. The fence ordinance permits a 5-foot-high fence where the 5-foot-high fence is located;
- c. The applicant has stipulated to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the 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 to erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, around the back yard at premises located at 88 Hadley Avenue, Block 12.23, Lot 33, be and the same is hereby approved and the variance for height of fence 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 ZALMAN GURKOV.

Seconded by: Comr GEORGE SILVA.

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

MEETING OF DECEMBER 15, 2021.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELIZABETH SAHARIG-ROMERO for premises known as: 74 Luddington Avenue, Block 18.06, Lot 19 be and the same is hereby: GRANTED bulk variances for a gazebo which has been installed at the subject premises.

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

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

WHEREAS, the applicant requests variance approval for a gazebo which has already been installed at premises located at 74 Luddington Avenue, Block 18.06, Lot 19, 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 has installed a gazebo without the required building permit;
- b. The gazebo is 3 feet from the home where a minimum of 10 feet is required;
- c. The gazebo is 36 feet 2 inches from the front lot line where 60 feet is required;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to permit a gazebo which has already been installed at the subject premises to remain at premises located at 74 Luddington Avenue, Block 18.06, Lot 19, be and the same is hereby approved and the variances for distance from the home and front 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 LOUIS DI STEFANO.

Seconded by: Comr MICHAEL MOLNER.

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