

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, February 2, 2022. 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 January 19, 2022, 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
residential properties to the west, by Main Avenue
to the east, and by commercial properties to the</p> |
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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 by the Board to the February 16, 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 February 16, 2022, meeting of the Board.

3. **680 CLIFTON, LLC**, 680 Route 3, Block 80.01, Lot 70 & 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:

- Min. Landscape Buffer (pre-existing non-conformance (NC); 25' required, 20' (L.30) & 0' (L.70) provided;
- Min. Landscape Buffer (Allwood Road) (pre-existing non-conformance (NC), 15' required, 1' (L.30) & 4' (L.70) provided;
- Min. Front Yard (pre-existing non-conformance (NC), 30'-60' or 70'-90' required, 89.5' (L.30) & 76.2' (L.70) provided;
- Min. Rear Yard (pre-existing non-conformance (NC), 50' required, 37.55' (L.70) provided (L.70);
- Parking (pre-existing non-conformance (NC), 305 spaces (L.30) & 236 spaces (L.70) required, 278 spaces (L.30) & 139 spaces (L.70) provided;
- and a 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.

David C. Dixon, Esq., 620 Newark Pompton Turnpike, Pompton Plains, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Joseph Burgis, a planner, with offices at 25 Westwood Avenue, Westwood, New Jersey. There were no objectors.

Mr. Dixon stated that the applicant is seeking minor subdivision approval, bulk variances, use variance, parking variance, combining Lots 30 and 70 in Block 80.01; that the applicant seeks to relocate a side property lot line so that the parking spaces serving Lot 70 are physically located on Lot 70 and are transferred from Lot 30; that Lot 70, which contains a hotel, is to be enlarged by acquiring a strip of property measuring 25-feet by almost 390-feet from Lot 30; that the hotel lot will become slightly larger and will gain 38 parking spaces.

Joseph Burgis testified as a planner and stated that the applicant is seeking minor subdivision approval and use variance for an expansion of non-conforming uses and bulk variances for minimum landscaping and landscape buffer, front yard setback, rear yard setback, parking, and a use variance for expansion of pre-existing non-conforming uses; that what is sought is to relocate a side property lot line so that the parking spaces serving

Lot 70 are physically located on Lot 70 and will be transferred from Lot 30; that the strip of land being transferred is approximately 25-feet-wide and 389-feet in length and used for parking, and is presently on Lot 30, and will be transferred to and become a part of Lot 70; that customers of the hotel and restaurant will continue to use existing parking spaces; that customers of Lot 30 will continue to use the parking spaces associated with that lot; that parking spaces serving the hotel site will now be physically on the hotel lot. In summary, the hotel lot will become slightly larger and gain 38 parking spaces; that there is no construction proposed; that there is no change in access patterns; that the applicant has satisfied the positive and negative criteria required for the grant of the use variance; that the plans support several goals of the Clifton Master Plan, including Goal 1 which is to continue a mix of land uses with diversified residential areas, commercial areas to serve the residents of Clifton and nearby communities, and office and industrial areas to provide jobs and strengthen tax base; that the relocation of the lot line, as proposed by the applicant, will allow the parking spaces servicing Lot 70 to be on Lot 70; that the proposed expansion of the non-conforming use may be granted without creating impairment to the intent and purpose of the zone plan or the zone ordinance; that after the subdivision is completed, 38 parking spaces located on Lot 30 that services customers of Lot 70 are to be converted to Lot 70 with no construction being proposed.

The Board is in receipt of reports from Neglia Engineering Associates dated November 23, 2021; Neglia Engineering dated January 6, 2022; and Gregory Associates dated November 29, 2021.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the minor subdivision application along with all the variances requested by the applicant 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.

4. **EMPIRE REALTY MANAGEMENT CORP.,**
Use 94-96 Market Street, Block 68.03, Lot 43 – BC –
Variances; An approval to demolish the ALLWOOD
Variances THEATER and replace it with three additional
new retail stores abutting the existing retail
stores on Market Street and, in the rear, construct
a three-story apartment building containing 26
senior citizens housing units restricted to tenants
aged 55 and older. Two use variances are required,
one to permit more than two principal uses on
the same lot and second to permit housing in a B-C
zone where no housing is permitted. Utilizing the
bulk variances set forth in the Zoning Ordinance
for the areas in which the two uses for which use
variances are sought are permitted, as required by
law, the following bulk variances are required:
front yard 5' required 0' provided; minimum
rear yard 10' required, 0' proposed; site yards,
where the property abuts residential use, for the
sideyards half of the height of the building is
required. On the right side, 0' is proposed and

on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard. It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

This matter was previously continued by the Board until the March 2, 2022, meeting of the Board.

NEW HEARINGS

1. **G. KINISKI SLADE**, 5 Abbe Lane, Block 27.12,
Variance Lot 1 – RA2 – Applicant requests a 5' solid fence
on the side of their home (along Grove Street)
where a 4' 50% open fence is permitted.

The applicant, residing at 5 Abbe Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests a 5-foot-high solid fence on the side of the home along Grove Street where a 4-foot-high 50 percent open fence is permitted; that the purpose of the fence is for safety and privacy.

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 application. 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.

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testimony presented to the Board and
upon which this decision is based.

2. **MARINO WILLIAMS**, 109 Orchard Drive,
Variance Block 68.12, Lot 21 – RA3 – Applicant proposes
to convert the attached garage into living space.
A variance is requested for a driveway in front
of the house no longer serving a garage.

The applicant, residing at 109 Orchard Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to convert the attached garage into living space at the subject premises; that a variance is requested for a driveway in front of the house no longer serving a garage.

After a review of the testimony, Comr Zalman Gurkov moved to approve the application with the stipulation that the applicant install three bollard barriers in front of the garage door to prevent a motor vehicle from entering the area. Comr Gurkov further instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. 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. **DANIEL MAYER**, 33 Belmont Avenue,
Variances 33 Belmont Avenue, Block 70.03, Lot 21
-- RA3 -- Applicant previously was granted front yard, right side yard, combined side yard, and lot coverage variances on March 3, 2021, for a second floor rear addition. Applicant is now proposing an addition to the front and rear of the attached garage which needs the following new variances:
- 1) Lot coverage now proposed at 29% where 27% is permitted.
 - 2) Front yard setback proposed at 21.1 where 25' is required.
 - 3) Right side yard is 4.6' where 6' is required;
 - 4) Combined side yards are 9.4' where 16' is required.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and affirmed to give testimony was Daniel Mayer of 33 Belmont Avenue, Clifton, New Jersey. There were no objectors.

Mr. Peterson stated that the applicant previously was granted front yard, right side yard, combined side yard, and lot coverage variance variances on March 3, 2021, for a second floor rear addition; that the applicant is now proposing an addition to the front and rear of the attached garage which requires the following variances: 1) lot coverage proposed at 29 percent where 27 percent is permitted; 2) front yard setback proposed at 21.1 feet where 25 feet is required; 3) right side yard setback proposed at 4.6 feet where 6 feet is required; and 4) combined side yard setbacks where 16 feet is required and 9.4 feet is proposed.

Marked for identification as "A-1" was a site plan and zoning analysis.

After a review of the testimony, Comr Scott Sochon moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr 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.

4.
Use
Variance

PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION, 409-411 Main Avenue, Block 59.03, Lot 17 – B-B – Applicant proposes to construct an addition in the front of the property to allow expansion of the library book space, a private study area, an office and a basement storage area. The addition will conform to other structures in the neighborhood. A use variance is required for the expansion of the previously approved nonconforming use and the existing mixed use on the property. Previous application was granted on 4/19/2017.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and affirmed on behalf of the applicant were Chaim Yosef Krause of 147 Marietta Ave., Passaic, New Jersey; Eliyohu Schneider of 13 Tennyson Place, Passaic, New Jersey; Yusef Puttnoy, 10 Gila Place, Lakewood, New Jersey. There were several interested parties in favor of the application: Gershon Geuitz, 5 Balsam Court, Clifton, New Jersey; and Abraham Levenspil, 19 Swift Court, Clifton, New Jersey. There were several objectors objecting to the application: Patrick Doremus, Sr., 4 Van Wagoner Ave., Clifton, New Jersey; and George Putykewycz, 289 South Parkway, Clifton, New Jersey.

Rabbi Chaim Krause testified that the applicant proposes to construct an addition in the front of the property located at 409-411 Main Avenue to allow expansion of the library book space, a private study area, an office, and a basement storage area; that the addition will conform to the other structures in the neighborhood; that a use variance is required for the expansion of the previously approved non-conforming use and the existing mixed use on the premises, which application was granted on April 19, 2017.

Offered and marked "A-1" for identification were photographs showing the library shelves with books.

Eliyohu Schneider testified as an engineer and architect and stated that he prepared the plans for the proposed renovation and addition.

Marked for identification as "A-2" is a rendering of the front of the addition.

Yusef Puttnoy testified as a planner and stated that a use variance is required for the expansion of a non-conforming use and the existing mixed use on the property; he described the area in question and testified as to the variances requested.

Marked for identification as "A-3" were photographs of the side and front of the premises and across the street.

Both objectors, Patrick Doremus, Sr., and George Putykewycz, stated that the plan is not a safe plan; that the applicants have not complied with several conditions in the Resolution previously granted, to wit: the hours of operation, use of the premises before 9 A.M. and after 6:30 P.M.

After discussion by the Board, it was unanimously agreed that the applicant be instructed to come back with a new plan.

Thereupon, the matter was continued by the Board until the February 16, 2022, meeting of the Board.

5. **LOUAY ASSOCIATES, LLC,**
Use 1026-1028 Main Avenue, Block 8.04, Lot 1
Variance; -- B-C – The applicant is requesting a use
Variances variance to renovate and convert the vacant
second floor to eight (8) residential units.
In addition to the use variance requested,
the applicant is seeking bulk variance relief
for the front yard setback, rear yard setback,
lot coverage (all of which are pre-existing),
and parking.

Alfred V. Acquaviva, Esq., with offices at 1114 Goffle Road, Hawthorne, New Jersey, appeared on behalf of the applicant. Present and sworn was Michael Romanik, an architect, with offices at 291 Crooks Avenue, Paterson, New Jersey. Also present and sworn was Hussein Nasser of Louay Associates, LLC, of 485 Park Avenue, Fairview, New Jersey. There was one interested party, Jaysukh Patel of 1025 Main Avenue, Clifton, New Jersey.

Mr. Acquaviva stated that the applicant is requesting a use variance to renovate and convert the vacant second floor to eight residential units at the subject premises; that the applicant is seeking a use variance as well as bulk variance relief for the front yard setback, rear yard setback, lot coverage, all of which are pre-existing, and parking.

Offered into evidence as "A-1" is a photograph of the Main Avenue façade picture which is the exact same plan previously approved by a Resolution of the Board dated December 4, 2013.

Michael Romanik testified as an architect and stated that the Board did approve of the plan submitted by the applicant by Resolution dated December 4, 2013; that he prepared the plans, the site diagram, the second floor plans, and eight photos of the site and surrounding area; that the proposal fits within the nature and character of the surrounding area; that it will be a substantial improvement to the property and to the surrounding area; that the housing will encourage residents to live, work, and patronize surrounding businesses which is a benefit to the City of Clifton.

The Board is in receipt of a report from its planning consultant, Graviano & Gillis, dated January 28, 2022.

After a review of the testimony, Comr George Foukas moved to approve the application with the stipulation that the applicant pay into the Main Avenue Parking Trust the required amount to satisfy the parking requirements and further that the garbage be located in the rear of the building and is to be picked up by a private carter. Comr Foukas further instructed the Counsel Secretary to prepare the proper Resolution. 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.

6. **WILLIAM DUNAI**, 658 Allwood Road,
Use Block 67.03, Lot 6 – B-C – Applicant
Variances proposes to use a room on the premises for
the purpose of an accessory massage use.
The current use is a Salt Cavern meant as a
therapeutic use. This additional use would
expand the therapeutic offerings of the
existing business. A use variance is requested
as a massage use is not a listed permitted use
and for two uses on one lot. Any other relief
deemed necessary by the Board.

Peter Ianarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 69 Merrill Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Ianarella stated that the applicant requests variance approval to use a room on the subject premises for the purpose of an accessory massage use; that the massage use will expand the therapeutic offerings of the existing building, which is a Salt Cavern; that a use variance is required, as a massage is not a listed permitted use, and for two uses on one lot.

Mr. Dunai stated that the business operates seven days a week; that the hours of operation are from 10 A.M. to 6 P.M.; that he has five employees at the site; that the Salt Cavern is a therapeutic use facility; that the massage would expand the therapeutic offerings of the existing business.

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 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.

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 Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 BRG HOLDINGS, LLC for use variance to erect a warehouse and bulk variances for side yard setback, rear yard setback, buffer abutting residential, ground sign setback, and number of parking spaces at 140 Entin Road, Block 60.14, Lot 6, was adopted. M-2

2. Upon motion made by Comr George Foukas, 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 GRANTING the application of ROBERTO RIVERA for approval for a 6-foot-high solid fence along Warren Street at 214 Valley Road, Block 22.10, Lot 6, was adopted. RB3

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 CARLOS GOYBURU for bulk variances to install an in-ground pool, second floor addition, and deck at 2 Mt. View Drive, Block 27.02, Lot 14, was adopted. RA2

There being no further business before the Board, Comr Michael Molner 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 FEBRUARY 2, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 680 CLIFTON, LLC for premises known as: 680 Route 3, Block 80.01, Lot 70 & 30 be and the same is hereby: GRANTED minor subdivision, bulk variances, and use variance to permit a strip of property measuring 25-feet by 390-feet, or 9,750 square feet of property, to be transferred from Lot 30 to Lot 70 in Block 80.01.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 request minor subdivision, bulk variance, and use variance to permit a strip of property to be transferred from Lot 30 to Lot 70 in Block 80.01 at premises located at 680 Route 3, Block 80.01, Lot 70 and 30, which premises are located in a B-C zone; and

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

- a. The applicant proposes a minor subdivision transferring approximately 9,750 square feet of property measuring 25-feet by 390-feet from Lot 30 to Lot 70 which is the hotel lot, to be used for 38 parking spaces;
- b. Based upon the testimony presented by the applicant's planning expert, the proposal will add 38 parking spaces to the hotel lot with no change in operations for either site;
- c. A use variance is required for expansion of a pre-existing non-conforming use;
- d. Bulk variances are required for minimum landscape buffer (pre-existing non-conformance) 25 feet required, 20 feet (Lot 30) & 0 feet (Lot 70) provided; minimum landscape buffer (Allwood Road) (pre-existing non-conformance, 15 feet required, 1 foot (Lot 30) & 4 feet (Lot 70) provided; minimum front yard (pre-existing non-conformance), 30 feet – 60 feet or 70 feet to 90 feet required, 89.5 feet (Lot 30) and 76.2 feet (Lot 70) provided; minimum rear yard (pre-existing non-conformance, 50 feet required, 37.55 feet (Lot 70) provided (Lot 70); parking (pre-existing non-conformance, 305 spaces (Lot 30) and 235 spaces (Lot 70) required, 278 spaces (Lot 30) and 139 spaces (Lot 70) provided;
- e. The applicant has satisfied the positive and negative criteria required for the grant of the use variance and bulk variances requested;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk 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 which satisfies Goal 1 of the Master Plan to "continue a mix of land uses with diversified residential areas, commercial areas to serve the residents of Clifton and nearby communities, and office and industrial areas to provide jobs and strengthen tax base;" and

WHEREAS, the Board finds from the testimony presented that the proposal will be beneficial to the health, safety, and general welfare of the neighborhood since it will relocate 38 parking spaces in addition to the 139 parking spaces serving the hotel site;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for a minor subdivision, bulk variances, and use variance to permit a strip of property measuring 25-feet by 390-feet, or 9,750 square feet of property, to be transferred from Lot 30 to Lot 70 in Block 30.01 at premises located at 680 Route 3, Block 80.01, Lot 70 and 30, be and the same is hereby approved and the subdivision, use variance, bulk variances, and parking variance be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL** and subject to the following:

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

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

MEETING OF FEBRUARY 2, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: G. KINISKI SLADE for premises known as: 5 Abbe Lane, Block 27.12, Lot 1 be and the same is hereby: GRANTED a variance for a 5-foot-high solid fence along the Grove Street side of the property.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 approve the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variance approval for a 5-foot-high solid fence along the Grove Street side of the property at premises located at 5 Abbe Lane, Block 27.12, Lot 1, which premises are located in an RA2 zone; and

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

- a. The applicant requests approval for a 5-foot-high solid fence along the Grove Street side of their home where a 4-foot-high 50% open fence is permitted;
- b. The purpose of the fence is for privacy and safety;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a 5-foot-high solid fence along the Grove Street side of the property at premises located at 5 Abbe Lane, Block 27.12, Lot 1, be and the same is hereby approved and the variance for the 5-foot-high solid 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 GEORGE FOUKAS.

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 FEBRUARY 2, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **MARINO WILLIAMS**
for premises known as: **109 Orchard Drive, Block 68.12, Lot 21**
be and the same is hereby: **GRANTED** to convert attached garage into living space
and variance for driveway in front of house no longer serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 approve the application on the basis of the following Resolution:

WHEREAS, the applicant requests approval to convert attached garage into living space and variance for driveway in front of house no longer serving a garage at premises located at 109 Orchard Drive, Block 68.12, Lot 21, 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 approval to convert the attached garage to living space;
- b. The applicant requires a variance for driveway in front of the house no longer serving a garage;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to convert attached garage into living space at premises located at 109 Orchard Drive, Block 68.12, Lot 21, be and the same is hereby approved and the variance for a driveway in front of the house no longer serving a garage be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE APPLICAT**
INSTALLING THREE (3) BOLLARDS IN THE FRONT OF THE GARAGE
DOOR 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 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 FEBRUARY 2, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL MAYER for premises known as: 33 Belmont Avenue, Block 70.03, Lot 21 be and the same is hereby: GRANTED lot coverage, front yard setback, right side yard setback, and combined side yard setbacks for an addition to the front and rear of the attached garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 as aforesaid for an addition to the front and rear of the attached garage at premises located at 33 Belmont Avenue, Block 70.03, Lot 21, 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 previously did receive approval for a second floor addition by the Board by Resolution dated March 3, 2021, and the findings are incorporated herein by reference and made a part hereof;
- b. The applicant is now proposing an addition to the front and rear of the attached garage;
- c. The lot coverage is now proposed at 29 percent where 27 percent is permitted;
- d. The front yard setback is proposed at 21.1 feet where 25 feet is required;
- e. The right side yard is proposed at 4.6 feet where 6 feet is required;
- f. The combined side yards are proposed at 9.4 feet where 16 feet is required;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for an addition to the front and rear of the attached garage at premises located at 33 Belmont Avenue, Block 70.03, Lot 21, be and the same is hereby approved and the variances for lot coverage, front yard setback, right side yard setback, and combined side yard setbacks 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 SCOTT SOCHON.

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 FEBRUARY 2, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LOUAY ASSOCIATES, LLC for premises known as: 1026-1038 Main Avenue, Block 8.04, Lot 1 be and the same is hereby: GRANTED use variances for eight (8) residential units on second floor in existing two-story commercial use building, front yard setback, rear yard setback, lot coverage, and parking variances.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 approve the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variances and bulk variances to renovate and convert vacant second floor to eight residential units at premises located at 1026-1038 Main Avenue, Block 8.04. Lot 1, which premises are located in a B-C 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 previously received approval for eight residential units on the second floor of the subject premises by Resolution of the Board dated December 4, 2013, and the findings of that Resolution are incorporated herein and made a part hereof;
- b. The applicant's building presently covers 95.8 percent of the lot and is an existing two-story commercial use in a B-C zone;
- c. The applicant proposes to convert the second story to eight (8) residential units, and there will be no physical changes to the building except that the windows will be replaced;
- d. The surrounding area contains a mix of uses, including an automotive gas station, various retail, commercial, and restaurant uses, as well as residential uses;
- e. The proposal satisfies the positive and negative criteria as testified to by its expert as to site suitability and promoting the general welfare as well as it will not substantially impair the intent and purpose of the zone plan and zone ordinance and can be granted without substantial detriment to the public good;
- f. The applicant has shown how the proposed use meets the enhanced burden of proof in that the use variance is not inconsistent with the intent and purpose of the master plan and zoning ordinance;
- g. Historically, the second floor has been used for residential purposes;
- h. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- i. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; 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 convert the second story of an existing commercial use building to eight (8) residential units at premises located at 1026-1038 Main Avenue, Block 8.04, Lot 1, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE**

FOLLOWING RESTRICTIONS:

A. THAT THE APPLICANT PROVIDE FOR GARBAGE PICK-UP IN THE BACK OF THE BUILDING BY PRIVATE CARTER;

B. THAT THE APPLICANT PAY INTO THE MAIN AVENUE PARKING TRUST THE REQUIRED AMOUNT TO SATISFY THE PARKING REQUIREMENTS FOR THE MAIN AVENUE DISTRICT;

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr MICHAEL MOLNER.

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

MEETING OF FEBRUARY 2, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **WILLIAM DUNAI**
for premises known as: **658 Allwood Road, Block 67.03, Lot 6**
be and the same is hereby: **GRANTED** use variance for the purpose of an accessory
massage use.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 2, 2022. 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 approve the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval for an accessory massage use to the existing therapeutic offering at the business known as SALT CAVERN at premises located at 658 Allwood Road, Block 67.03, Lot 6, which premises are located in a B-C zone; and

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

- a. The applicant operates a therapeutic business known as the SALT CAVERN at the subject premises;
- b. The applicant has requested an accessory room be used for massage purposes in order to expand the therapeutic offerings of the existing business;
- c. The applicant has stated that the business is operated seven (7) days a week, with the hours of operation from 10 A.M. to 6 P.M. and with five employees;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- 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 accessory massage use at premises located at 658 Allwood Road, Block 67.03, Lot 6, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL** and subject to the following:

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

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

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