

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 1, 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 GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS GEORGE FOUKAS AND URI JASKIEL.

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 George Silva, the Minutes of the May 11, 2022, special 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 May 18, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

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| 1.
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 |
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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.

At the request of the attorney for the applicant, this matter was continued by the Board until the July 20, 2022, meeting of the Board.

2.
Use
Variance;
Variances

VK ACQUISITIONS VI, LLC, 90 Kingsland Avenue, Block 84.01, Lot 25.01 – M3 – For preliminary and final site plan, conditional use and variance approvals.

The subject property is approximately 7.09 acres in size, and is currently improved with an approximately 9,173 square foot ("SF") one story commercial building which, upon information and belief, has historically been used for automobile maintenance, repair and service. The remainder of the site is largely paved and has historically been used for automobile and other vehicular storage. It currently serves as an automobile inventory storage yard and service facility by a local automobile dealership.

The Applicant is proposing to improve and utilize the Property for the parking and/or storage of automobiles, vans (fleet type), truck/trailer parking and storage and/or equipment storage within the existing outdoor parking areas of the Property, as well as continued repair and maintenance of vehicles or equipment within the existing one-story commercial building. No changes are proposed with respect to the existing commercial building, and no new buildings are proposed. The Applicant is proposing improvements within the site which includes repairs and restriping of the existing parking lot areas, upgraded lighting and landscaping. There are four proposed parking lot striping plans included within the site plan set submitted to the Board, which include layouts for truck

storage, automobile parking, van (fleet) type parking and equipment storage.

The Applicant is seeking variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) and (d/3), including a D(1) use variance and D(3) conditional use variance relief to permit the use of the Property for outdoor storage/parking of automobiles, trucks, fleet vehicles and construction-type equipment due to the fact that the uses are not deemed a permitted use in the M-3 zone and/or do not meet all of the conditional use standards set forth in the Code. The Applicant is also seeking bulk variance pursuant to N.J.S.A. 40:55D-70(c)(1) and/or (c)(2) for the following:

1. To permit the use of LED lighting in the parking lot areas where it is currently not permitted.
2. Total Off-Street Parking Associated with the Existing Commercial Building-46 spaces required, 19 parking spaces proposed (9' by 19' in dimension).
3. To permit parking, loading and drive aisles in front yards of the Property (Section 461-60E).
4. Parking, Loading and Drive Aisle Setbacks – 10' to side yard/5' to front yard required (Section 461-60F). Proposal does not meet these minimum setback requirements along the Myrtle Avenue, Kingsland Avenue and Century Drive frontages.
5. Landscaping for Interior Parking. A minimum of 20 SF of landscaping is proposed for each parking space. (Section 461-60N). Less than the minimum is proposed.

In addition to the above approvals, the Applicant requests that the application be deemed amended to include, and that the Board grant any additional approvals, variances, exceptions, or waivers determined to be necessary or desirable in the review and processing of this application, whether requested by the Applicant, the Board or otherwise.

John P. Wyciskala, Esq., with offices at 600 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Present and sworn were the following on behalf of the applicant: Tung-To Lam, PE, of Bohler Engineering, with offices at 30 Independence Boulevard, Warren, New Jersey; Brian McDonagh of Venture One, a principal of the applicant; Paul Going, PE of Atlantic Traffic Design, 30 Independence Boulevard, Warren, New Jersey; Brian McDonough, PP, of 101 Gibraltar Drive, Morris Plains, New Jersey; and John Fette of Clifton, New Jersey.

This is a continued hearing from the May 4, 2022, meeting of the Board.

Mr. Wyciskala stated that the applicant is proposing to improve and utilize the property for the parking and storage of vehicles, trucks/trailer storage and/or equipment storage within the existing outdoor parking areas of the property, as well as continued repairs and maintenance of vehicles or equipment within the existing building; that the applicant is seeking preliminary and final site plan approval; that the applicant is seeking D1 use variance and a D3 conditional use variance to permit the use of the property for outdoor storage and parking of trucks, fleet vehicles, and construction type equipment; that bulk variances are required for the number of vehicle parking spaces associated with existing maintenance and service building.

Receipt is acknowledged of report of Neglia Engineering dated April 27, 2022, revised May 31, 2022; and Graviano & Gillis dated May 1, 2022, and May 31, 2022.

Tung-To Lam gave testimony as an engineer and stated that the applicant is now proposing a single site plan layout; that the three alternative layouts and uses are hereby withdrawn; that the proposal is for a single site plan layout and use, truck terminal, overnight parking, and storage of trucks and trailers with accessory truck maintenance and service within the existing building on the site.

Offered into evidence which was marked "A-6" was a site plan prepared by him. Mr. Lam continued to testify as to the conditional use requirements, the bulk requirements, the parking requirements, and the proposed signs.

John Fette testified as the owner of the premises and stated that the active use of the site is minimal due to the impacts of the Covid pandemic and supply issues; specifically, the site is used for storage of vehicles and school buses and due to the impacts of the Covid pandemic, there is very little inventory available to house vehicles and, in order to social distance, the employees no longer park at the site and shuttle to the dealership.

Paul Going testified as a traffic engineer and stated that the site would be used as a truck terminal for the parking and overnight storage of trucks and trailers and the ancillary servicing of trucks within the confines of the existing service building on the site; that the pavement would be striped to delineate 189 trailer parking stalls; that the existing driveway would continue to serve the proposed use; that the existing buildings would remain; he reviewed the existing traffic demand at the project, traffic counts were conducted during weekday mornings and weekday evenings; that the peak hours are from 8 A.M. to 9 A.M. and 5:15 P.M. to 6:15 P.M.; that he reviewed future traffic conditions, site access and circulation and concluded that the proposed truck terminal facility redevelopment will not significantly impact traffic conditions in the site vicinity.

Mr. Going concluded that the project will not have a negative impact on traffic conditions in the vicinity of the site due to low traffic volumes on adjacent streets and low trip generation of proposed use.

The Board heard comments from Brian Intindola of Neglia Engineering and Nicholas Graviano, the planner, concerning the testimony given by Mr. Going.

Brian McDonough testified as a planning expert and offered into evidence which was marked "A-7" planning exhibits which included the following:

1. Tax parcels and map of 90 Kingsland Avenue, Clifton;
2. Aerial map of 90 Kingsland Avenue;
3. Land use map of 90 Kingsland Avenue;
4. Zoning map of 90 Kingsland Avenue;
5. View of site looking west; and
6. View of subject site looking west.

Mr. McDonough gave testimony that truck terminals are a permitted conditional use in the zone; that the applicant is still seeking conditional use variance relief due to the fact that the site does not meet all of the conditional use standards including, but not limited to, separation distance from a residential zone district, parochial school, and/or a public park; that the applicant has increased the landscape buffer 25%, doubled the plantings, and reduced the lot coverage; that the applicant has satisfied the positive and negative criteria required for the grant of the conditional use variance and further that the applicant has sustained the burden of proof for the "C" variances which include outdoor storage requirements, off-street parking in the front yard, off-street parking or loading setbacks, and interior parking landscaping.

Mr. McDonough testified regarding proposed operations at the facility; that this facility is for servicing and aiding nearby facilities and for overflow parking; that institutional facilities value their reputations in the industry and do not want to drive through residential neighborhoods; that about 95% of the use is during the day, with about 6% of the use after 6 P.M.; that this use is the best and highest use for the site; that this facility is mainly warehouse, turnover is lower; that this is the least impactful use; that the facility will be open 24 hours a day, 7 days a week; that if the Board wanted to limit the hours of operation, this will make the project unreachable; that he would be willing to stipulate to no refrigerator trucks at the site; that he would be willing to stipulate that specific spots will not be used "after hours;" that the applicant recognizes the Board's concerns regarding the community and the one way in and one way out; that with the approval of the Board and its experts, the applicant would like to modify the plans and enter as an exhibit at the next meeting of the Board.

At this point in the hearing, Chrmn Zecchino continued the matter until the meeting of June 15, 2022, in order to permit the applicant to further address the concerns raised by members of the Board. Thereupon, the matter was continued until the meeting of June 15, 2022.

NEW HEARINGS

1. **THE MANZO ORGANIZATION,**
Variance 975 Clifton Avenue, Block 41.03, Lot 4
 -- BA – A front yard variance is being
 requested for the erection of a sign where
 25' is required and 5' is being proposed.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Thomas Manzo of Ewing Avenue, Franklin Lakes, New Jersey. There were no objectors.

Mr. Trella stated that the applicant is requesting a front yard setback variance for the erection of a sign where 25 feet is required and 5 feet is being proposed.

Mr. Manzo stated that there are numerous signs along Clifton Avenue that are located within the required setback.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. 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. **NANCY THEODOROU**, 55 Tancin Lane,
Block 74.11, Lot 7 – RA1 – Owner seeks
Variance to erect a deck over existing patio.
Rear yard setback being proposed at 22'
where 35' is required.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 55 Tancin Lane, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Trella stated that the applicant requests variance approval to erect a deck over an existing patio; that the rear yard setback requirement is 35 feet, and the applicant is proposing 22 feet.

The applicant testified that there is already an elevated patio in the same location; that the proposal will not change the streetscape nor impinge upon the neighbor's property view.

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. The motion was seconded by Comr Louis DeStefano. 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.

3. **MARCO MARTINEZ**, 590 Route 3,
Block 82.01, Lot 49 – B-D – Applicant
Use is requesting conditional use variances
Variance; for a take-out restaurant within an existing
Variances strip mall. Also needed is a parking variance:
8 off street parking spaces are required where
none are being provided. Existing
non-conforming setbacks exist, required
rear yard setback is 50' where 35.2' is
provided; lot depth of 150' required where
126.32' provided.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Marco Martinez of 590 Route 3, Clifton, New Jersey. There were no objectors.

Mr. Peterson stated that the applicant is requesting conditional use variance approval for a take-out restaurant within an existing strip mall; that eight parking spaces are required, and none are being provided; that the existing, non-conforming setbacks are present at the site; that the lot depth requirement is 150 feet, and the applicant is proposing 126.32 feet.

The Board is in receipt of reports from the planner, Graviano & Gillis, dated May 26, 2022; and the report of Neglia Engineering dated May 27, 2022.

Mr. Peterson stated that the Board previously granted approval for a take-out restaurant at the site dated October 19, 2011; said Resolution is incorporated herein by reference and made a part hereof.

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

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

4. **AKIVA ELBAUM**, 167 Edgewood Ave.,
Variance Block 57.08, Lot 11 – RA3 – Applicant is proposing a second floor rear addition with a balcony off the master bedroom which requires the following variance: 1. Rear yard setback proposed at 31' where 35' is required.

The applicant, residing at 167 Edgewood Avenue, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

Comr Zalman Gurkov excused himself from participating in the matter.

The applicant testified that he requests variance approval for a second floor rear addition with a balcony off the master bedroom; that the rear yard setback requirement is 35 feet, and he is proposing 31 feet; that the balcony will be 4-feet by 7-feet.

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 variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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.

5. **LUIS VEGA**, 119 DeMott Avenue,
Variance Block 12.18, Lot 9 – RB1 – Applicant
is proposing a 6' solid fence along the
rear yard where 5' solid is required.

The applicant, residing at 119 DeMott Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a 6-foot-high solid fence along the rear yard where a 5-foot-high solid fence is permitted; that the purpose of the fence is for privacy for his family and the two dogs which he has; that the neighbors on both sides also have dogs; that the present fence that he has at the property is 3-feet high which does not prevent the neighbor's children from jumping over the fence to obtain balls and footballs.

After a review of the testimony, Comr Michael Molner moved to grant the applicant a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, which was agreed to by the applicant. The Counsel Secretary was instructed to prepare the proper Resolution for approval. The motion was seconded by Comr Scott Sochon. 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.

6. **SAFHRANA BHIKAM**, 50 Sunnycrest
Variances Ave., Block 41.13, Lot 3 – RA1 – Applicant
is proposing a rear addition to the home
which requires the following variances:
1. Rear yard setback proposed at 17' where
35' is required. 2. Lot coverage proposed
at 32% where 27% is permitted.

The applicant, residing at 50 Sunnycrest Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for a rear addition to the premises; that the rear yard setback requirement is 35 feet, and the applicant is proposing 17 feet; that the lot coverage permitted is 27 percent, and she is proposing 32 percent.

After a review of the testimony, Comr Louis DeStefano moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs 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.

7. **JAMIE LYNNE SALEK**, 1239 Valley Road,
Use Block 74.06, Lot 17 – RA1 – Applicant
Variance was previously granted a variance for a
two-story accessory structure and height
variance to replace an existing garage with
a two-story “Barn” accessory structure.
Applicant is now requesting a variance to
add a half bath to the structure.

Jamie Lynn Salek and Raoul Bustillo, residing at 1239 Valley Road, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Bustillo testified that applicants were previously granted a variance for a two-story accessory structure and height variance to replace an existing garage with a two-story “barn” structure; that the applicants are now requesting a variance to add a half bath to the structure; that the purpose of the half bath is to accommodate participants at the recreation room, otherwise, they would be required to walk into the main house and up two flights of stairs to use a bathroom.

There were comments from Chrmn Zecchino and other members of the Board concerning the probability that once plumbing is installed at the site, then there may be further expansion which is not in compliance with the zone ordinance; that the applicant has shown no hardship to justify the grant of the variance requested.

After a review of the testimony, Comr Michael Molner moved to deny the application, stating that there are no special reasons or any hardship to justify the grant of the variance requested. Counsel Pogorelec was instructed to prepare the proper Resolution. The motion was seconded by Comr Scott Sochon. Voting for denial were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino. Voting in the negative was Vice-Chrmn Gerard Scorziello. By a six to one vote, the motion carried, and the application was denied in the form as more fully appears at the end of these Minutes.

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

RESOLUTIONS

Chrmn Zecchino announced that the Board would act upon the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STORAGE BLUE CLIFTON, LLC for preliminary and final site plan approval with associated C and D variances for a self-storage warehouse at 550 Lexington Avenue, Block 7.07, Lot 1, was adopted.

2. Upon motion made by Comr Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comr Michael Molner, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION for use variance with associated “c” variances for an expansion of a mixed use building at 409-411 Main Avenue, Block 59.03, Lot 17, was adopted.

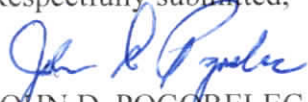
3. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MICHAEL FRUCHTER for a combined side yard setback for a one-story addition at 475 South Parkway, Block 58.04, Lot 3, was adopted.

4. Upon motion made by Comr Zalman Gurkov, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WAGUIH KHOUZAM for a rear yard setback variance for a deck attached to the house at 117 Abbe Lane, Block 33.09, Lot 28, was adopted.

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs George Silva, Zalman Gurkov, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JONATHAN TUBAY & SOCHILD PACHECO for lot coverage and rear yard setback variance for a constructed deck and sliding door at 180 West Third Street, Block 9.08, Lot 26, was adopted.

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

Respectfully submitted,


JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **THE MANZO ORGANIZATION**
for premises known as: **975 Clifton Avenue, Block 41.03, Lot 4**
be and the same is hereby: **GRANTED a front yard setback variance for the**
erection of a sign.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 requests variance approval as aforesaid to erect a sign at premises located at 975 Clifton Avenue, Block 41.03, Lot 4, which premises are located in a BA zone; and

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

- a. The applicant proposes a sign in the front of his premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 5 feet;
- c. There are numerous signs along Clifton Avenue which are erected within the front yard setback;
- d. The applicant has shown sufficient hardship to justify the grant of the variance 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 for a front yard sign at premises located at 975 Clifton Avenue, Block 41.03, Lot 4, be and the same is hereby approved and the variance for front yard setback be and the same is hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 GEORGE SILVA.

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

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **NANCY THEODOROU**
for premises known as: **55 Tancin Lane, Block 74.11, Lot 7**
be and the same is hereby: **GRANTED** a rear yard setback variance to erect a deck
over existing patio.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 requests approval to erect a deck over an existing patio at premises located at 55 Tancin Lane, Block 74.11, Lot 7, which premises are located in an RA1 zone; and

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

- a. The applicant proposes to erect a rear deck over the existing rear patio;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 22 feet;
- 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 erect a rear deck over existing patio at premises located at 55 Tancin Lane, Block 74.11, Lot 7, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 LOUIS DE STEFANO.**

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

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **MARCO MARTINEZ**
for premises known as: **590 Route 3, Block 82.01, Lot 49**
be and the same is hereby: **GRANTED conditional use variance for a take-out restaurant within an existing strip mall.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 requests conditional use variance for a take-out restaurant within an existing strip mall at premises located at 590 Route 3, Block 82.01, Lot 49, which premises are located in a B-D zone; and

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

- a. The applicant requests conditional use variance for a take-out restaurant within an existing strip mall;
- b. The applicant is requesting a parking variance where eight off-street parking spaces are required and none are provided;
- c. The rear yard setback requirement is 50 feet, and the applicant is proposing 35.2 feet which is pre-existing;
- d. The lot depth requirement is 150 feet, and the applicant is providing 126.32 feet;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a conditional use variance;
- f. The applicant has shown sufficient hardship to justify the grant of the "c" variances requested;
- g. The benefits of the application outweigh the detriments, if any; and
- h. The Board did grant a similar variance on October 19, 2011, and the Resolution is incorporated herein by reference and made a part hereof; 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 take-out restaurant within an existing strip mall at premises located at 590 Route 3, Block 82.01, Lot 49, be and the same is hereby approved and the conditional use variances, parking variance, rear yard setback variance, and lot depth variance be and the same are hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

MEETING OF JUNE 1, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AKIVA ELBAUM for premises known as: 167 Edgewood Avenue, Block 57.08, Lot 11 be and the same is hereby: GRANTED rear yard setback variance for a second floor rear addition with balcony.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a second floor rear addition with a balcony off the master bedroom at premises located at 167 Edgewood Avenue, Block 57.08, Lot 11, 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 variance approval for a second floor rear addition with a balcony off the master bedroom;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 31 feet;
- 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 second floor rear addition with a balcony off the master bedroom at premises located at 167 Edgewood Avenue, Block 57.08, Lot 11, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **LUIS VEGA**
for premises known as: **119 DeMott Avenue, Block 12.18, Lot 9**
be and the same is hereby: **GRANTED a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the rear yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 Michael Molner 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 along the rear yard at premises located at 119 DeMott Avenue, Block 12.18, Lot 9, 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 requests a 6-foot-high solid fence along the rear yard where a 5-foot-high solid fence is permitted;
- b. The applicant presently has a 3-foot-high fence which is inadequate to protect the property from trespassers;
- c. The applicant has stipulated that he would accept a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variance 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 for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the rear yard at premises located at 119 DeMott Avenue, Block 12.18, Lot 9, be and the same is hereby approved and the variance for fence height be and the same is hereby granted and further subject to such further governmental approvals as may be required by law **SUBJECT TO THE FENCE BEING A 5-FOOT-HIGH SOLID FENCE WITH A 1-FOOT LATTICE ON TOP, FOR A TOTAL OF 6 FEET, ALONG THE REAR YARD;** 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.

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

Resolution moved by: **Comr MICHAEL MOLNER.**

Seconded by: **Comr SCOTT SOCHON.**

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

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **SAFHRANA BHIKAM**
for premises known as: **50 Sunnycrest Avenue, Block 41.13, Lot 3**
be and the same is hereby: **GRANTED** rear yard setback and lot coverage variances for a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a rear addition at premises located at 50 Sunnycrest Avenue, Block 41.13, Lot 3, which premises are located in an RAI zone; and

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

- a. The applicant proposes a rear addition to the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 17 feet;
- c. The lot coverage permitted is 27 percent, and the applicant is requesting 32 percent;
- 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 for a rear addition at premises located at 50 Sunnycrest Avenue, Block 41.13, Lot 3, be and the same is hereby approved and the variances for rear yard setback and lot coverage be and the same are hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF JUNE 1, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **JAMIE LYNNE SALEK**
for premises known as: **1239 Valley Road, Block 74.06, Lot 17**
be and the same is hereby: **DENIED** use variance to add a half bath to the existing
two-story "barn" structure.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 1, 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 Michael Molner moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to add a half bath to a two-story "barn" structure at premises located at 1239 Valley Road, Block 74.06, Lot 17, which premises are located in an RA1 zone; and

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

- a. The applicant was previously granted a variance for a two-story accessory structure and height variance to replace an existing garage with a two-story "barn" accessory structure on December 1, 2021;
- b. The applicant now requests a variance to add a half bath to the structure;
- c. The applicant has shown no hardship or special reasons to justify the grant of the variance requested;
- d. The installation of a half bath may lead to a further unauthorized expansion of the premises;
- e. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal for a half bath at the subject premises will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the application to install a half bath in the two-story "barn" accessory structure at premises located at 1239 Valley Road, Block 74.06, Lot 17, be and the same is hereby disapproved and the use variance for half bath be and the same is hereby denied.

Resolution moved by: **Comr MICHAEL MOLNER.**

Seconded by: **Comr SCOTT SOCHON.**

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