

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 15, 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.

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 Michael Molner, the Minutes of the June 1, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

#### CONTINUED HEARINGS

1. **BOTANY VILLAGE PROPERTY LLC,**  
Prelim. & 254 Dayton Avenue, Block 4.18, Lot 21  
Final Major --PD1 -- For preliminary and final major  
Site Plan 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.

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.

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| 2.<br>Use<br>Variance;<br>Variances | <p><b>VK ACQUISITIONS VI, LLC</b>, 90 Kingsland Avenue, Block 84.01, Lot 25.01 – M3 – For preliminary and final site plan, conditional use and variance approvals.</p> <p>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.</p> <p>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.</p> |
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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.

Justin A. Marchetta, Esq., with offices at 600 Parsippany Road, Parsippany, New Jersey, appeared on behalf of the applicant. Present and previously sworn on behalf of the applicant was Matthew Kunsman, PE of Bohler Engineering, with offices at 30 Independence Boulevard, Warren, New Jersey.

This is a continued hearing from the meetings of May 4, 2022, and June 1, 2022, meetings of the Board.

Mr. Marchetta stated that at the last meeting, there was a request by the board to eliminate a row of truck parking and to increase the buffer between the premises in question and the residential uses abutting same; that the applicant has amended its plans accordingly.

The amended plans were offered into evidence as Exhibit "A-8."

Mr. Kunsman testified as to the revised site plan approval and stated that the row of truck parking was eliminated and that there was a buffer included on the amended site plan.

After a review of the testimony, Comr Michael Molner moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution with the following stipulations (1) that the applicant comply with all recommendations set forth in the report of the Board's engineer, Neglia Engineering, dated April 27, 2022, revised May 31, 2022; (2) subject to the recommendations set forth in the report of the Board's planner, Nicholas Graviano, in his reports dated May 1, 2022, and May 31, 2022; (3) that there be no refrigerated trucks on the premises. The motion was seconded was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

### NEW HEARINGS

1. **TATIANA ROSADO**, 99 Hamilton Avenue, Block 7.02, Lot 7 -- RB1 -- Applicant is proposing to build a second story add-a-level over the existing house. The two variances being requested are for  
(1) combined side setback proposed at 15.87' where 16' is required; and  
(2) left side yard setback proposed at 5.59' where 6' is required.

The applicant, residing at 99 Hamilton Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she proposes a second story add-a-level over the existing premises; that the variances requested are for combined side yard setback where 16 feet is required and 15.87 feet is provided, and the left side yard setback where 6 feet is required and 5.59 feet is provided.

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

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

2.  
Variance

**NATASHA SEALY-DORVELUS,**

71 Homestead Street, Block 27.03, Lot 18  
-- RA2 -- Applicant is proposing to construct a deck to the back of the home which requires the following setback:  
Rear yard setback is proposed at 22' where 35' is required.

The applicant, residing at 71 Homestead Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests rear yard setback variance approval for a deck to the back of her existing premises; that the rear yard setback requirement is 35 feet, and she is proposing 22 feet.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr George Foukas. 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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3.  
Variances

**JOSEPH STICKLES, 59 Harrington Road,**

Block 55.12, Lot 13 -- RA3 -- Applicant is proposing to rebuild and enlarge existing garage as well as widen the driveway. The following variances are requested:  
1) Side yard setback for accessory building proposed at 3.1' where 5' is required.  
2) Rear yard setback proposed at 3' where 6' is required.  
3) Driveway required to be 5' off property line where 0' setback being proposed.

The applicant, residing at 59 Harrington Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Stickles testified that he requests variance approval to rebuild and enlarge an existing garage as well as widen the driveway at the subject premises; that he is requesting the following variances: side yard setback requirement is 5 feet, and he is proposing 3.1 feet; that the rear yard setback requirement is 6 feet, and he is proposing 3 feet; that the driveway is required to be 5 feet off the property line where a 0 setback is being proposed.

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

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

4. **Variance** **JOSHUA COHEN**, 33 Conover Court, Block 71.03, Lot 11 - RA3 - Applicant is proposing to construct a first-floor addition which requires the following setbacks. Due to the irregular-shaped lot, rear yard setbacks are proposed at 21.43' & 28.98' where 35' is required.

The applicant, residing at 33 Conover Court, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

Comr Louis DeStefano excused himself from participating, and Comr George Silva sat in his place and stead.

Mr. Cohen testified that he requests variance approval to construct a first floor addition at the subject premises; that due to the irregular shape of the property, the rear yard setbacks are proposed at 21.43 feet and 28.98 feet where 35 feet is required.

After a review of the testimony, Comr Scott Sochon moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, 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.

5. **Variance** **JHONATY PEREZ-JIMENEZ**, 5 New Brier Lane, Block 67.07, Lot 1 - RA3 - A variance is requested for a 5' high solid fence along the front, left side, and rear portion of the home where a 4' 50% open fence is permitted and 20' site triangle setback is required at the street corner.

The applicant, residing at 5 New Brier Lane, Clifton, New Jersey, was present and sworn. There were three objectors: Chuilin Lee and Ben Louie of 725 Allwood Road; and Bill Chaky of 997 Valley Road, all of the City of Clifton, New Jersey.

The applicant testified that she requests variance approval for a 5-foot-high solid fence along the front, left side, and rear portion of the subject premises where a 5-foot-high 50% open fence is permitted and a 20 foot site triangle setback is required at the street corner.

The objectors gave testimony in opposition to the request for a 5-foot-high solid fence, indicating that the location of the fence in the front yard would be an obstruction and a detriment to the neighborhood.

After a review of the testimony, Comr George Foukas moved to deny the application, indicating that the applicant has shown no hardship to justify the grant of the variance requested. Comr Foukas instructed the Counsel Secretary to prepare the proper Resolution for denial. The motion was seconded by Comr Scott Sochon. Voting for denial were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, and George Foukas. Voting against denial were Comrs Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a four to three 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.

6.  
Variances

**AVI & BAYLA GELLER**, 15 E. Parkway, Block 58.05, Lot 8 -- RA1 -- The Applicant seeks approval to expand the existing single-family residence on the property, along with related site improvements. The Applicant seeks bulk variance and design waiver/exception relief in connection with the application, including:

- 1) Front yard setback less than required (35 ft. required; 33.9 ft. proposed); and
- 2) Number of stories greater than permitted (2 stories permitted; 3 stories proposed), if deemed necessary.

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, use variances, conditional use variances, variances, de minimis exceptions to the State of New Jersey Residential Site Improvement Standards, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals 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.

Jason R. Tuvel, Esq., with offices at One University Plaza, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was William J. Martin of 25 Boulevard, Westwood, New Jersey, an architect and planner. There were no objectors.

Mr. Tuvel stated that the applicant seeks to expand the existing single-family residence on the subject property; that the front yard setback requirement is 35 feet, and the applicant is proposing 33.9 feet; that the number of stories permitted is two, and the applicant is proposing three stories; that the applicant's hardship is that the premises is a pie-shaped property.

Mr. Martin testified that the applicant is proposing to fill in the footprint of the existing structure which is located on a pie-shaped lot; that as the lot frontage curves inward, the front yard setback reduces with the arc, and accordingly, a 1.1 foot variance is sought; that the shape of the lot is unique; that there will be no substantial detriment to

the zone plan or the zone ordinance; that the de minimis deviation along the frontage will not cause substantial detriment to the public.

Offered into evidence as Exhibit "A-1" was a report prepared and testified to by Mr. Martin which included photographs of the front and rear of the subject premises.

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 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.

7. **SAWSAN MAEMARI**, 117 (119) W. 2<sup>nd</sup> Street,  
Variances Block 9.09, Lot 4 -- RB1 -- Variance to make a one-family home into a two-family home. Other variances needed are:
- 1) Side yard setback, being proposed at 2.78' where 12' is required;
  - 2) Combined yard setback proposed at 14.41' where 24' is required;
  - 3) Front yard setback proposed at 14.9' where 25' is required;
  - 4) Minimum lot width proposed at 40½' where 75 sq ft is required;
  - 5) Minimum lot area proposed at 4,050 where 7,500 sq ft is required;
  - 6) 0' setback where 5' is required for a parking variance;
- all other necessary variances.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 117 West Second Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Trella stated that the applicant proposes to convert a one-family home into a two-family home at the subject premises; that the applicant is seeking the following variances: (1) side yard setback 12 feet required, 2.78 feet proposed; (2) Combined yard setback 24 feet required, 14.41 feet proposed; (3) Front yard setback 25 feet required, 14.9 feet proposed; (4) Minimum lot width 75 square feet required, 40 ½ square feet proposed; (5) Minimum lot area 7,500 square feet required, 4,050 square feet proposed; and (6) 5 foot setback required for parking variance, 0 feet proposed.

Mr. Trella offered into evidence which was marked "A-1" an exhibit showing the other two-family dwellings located in the area.

The applicant testified that there would be no change to the physical structure; that there would be no additions made to the building; that the conversion would take place within the interior of the dwelling.

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 and variances requested. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Louis DeStefano, and Vice-Chrmn Gerard Scorziello. Voting against the motion were Comrs Michael Molner, George Foukas, and Chrmn Mark Zecchino. By a four to three 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.

8. **1128 SPRINGFIELD ASSOCIATES, LLC.**  
Use 635 Brighton Road, Block 42.16, Lot 6  
Variance: -- M2 -- For site plan approval/amended site  
Variances plan approval, with associated "c" and "d" variances to construct building additions to the existing warehouse building on property. Please take notice that the applicant hereby requests any and all necessary variances, waivers, approvals or other relief from the City of Clifton zoning, site plan and land use ordinances, including but not limited to the following:
1. A d(2) variance for the expansion of the Nonconforming warehouse use;
  2. Section 461 attachment #3 (minimum rear yard)(15 feet required: 14.8 feet existing and proposed).
  3. Section 461-14 (minimum landscape buffer) (40 feet required, 10.4 feet existing and proposed).
  4. Section 461-60(E)(parking in front yard prohibited)(parking in front yard existing and proposed).
  5. Section 461-32(A)(high pressure sodium lights required, LED lights proposed).

At the request of the attorney for the applicant, this matter was continued by the Board until the August 17, 2022, meeting of the Board.

### COMMUNICATIONS

Chrmn Zecchino called the Board's attention to a communication received from Frank A. Carlet, Esq., dated June 9, 2022 requesting that the Board extend the time for filing of a mylar with the County of Passaic concerning the subdivision approved for two-month period on the application of DAUGHTERS OF MIRIAM, 155 Hazel Street, Block 24.07, Lot 1.

Thereupon, Comr Michael Molner moved to approve the extension. The motion was seconded by Comr George Foukas with the unanimous approval of the entire Board.

Chrmn Zecchino acknowledged receipt of a communication requesting a special meeting by Matthew J. Trella, Esq. for BA BA BAKERY. Thereupon, the Board approved that a special meeting be held on July 27, 2022.

## RESOLUTIONS

Chrmn Zecchino announced 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 George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of THE MANZO ORGANIZATION for a front yard setback variance for the erection of a sign at 975 Clifton Avenue, Block 41.03, Lot 4, was adopted.

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NANCY THEODOROU for a rear yard setback variance to erect a deck over existing patio at 55 Tancin Lane, Block 74.11, Lot 7, was adopted.

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARCO MARTINEZ for conditional use variance for a take-out restaurant within an existing strip mall at 590 Route 3, Block 82.01, Lot 49, was adopted.

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AKIVA ELBAUM for rear yard setback variance for a second floor rear addition with balcony at 167 Edgewood Avenue, Block 57.08, Lot 11, was adopted.

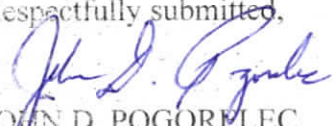
5. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LUIS VEGA for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the rear yard 119 DeMott Avenue, Block 12.18, Lot 9, was adopted.

6. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SAFHRANA BHIKAM for a rear yard setback and lot coverage variances for a rear addition at 50 Sunnycrest Avenue, Block 41.13, Lot 3, was adopted.

7. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution DENYING the application of JAMIE LYNN SALEK for a use variance to add a half bath to the existing two-story "barn" structure at 1239 Valley Road, Block 74.06, Lot 17, was adopted.

There being no further business before the Board, Comr George Foukas 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 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **VK ACQUISITIONS VI, LLC** for premises known as: **90 Kingsland Avenue, Block 84.01, Lot 25.01** be and the same is hereby: **GRANTED** preliminary and final site plan approval, a **D1 use variance and D3 conditional use variance and C1 and C2 bulk variances for LED lighting in the parking lot areas; total off-street parking; parking, loading and drive aisles in front yard; parking, loading, and drive aisle setbacks to front yard; and landscaping for interior parking to improve and utilize the property for the parking and storage of trucks and trailers with accessory truck maintenance and service within the existing one-story commercial building on the site.**

Testimony concerning the aforesaid application was taken by the Board at its meetings on May 4, 2022, June 1, 2022, and June 15, 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 preliminary and final site plan approval with associated C and D variances for the storage, parking, and maintenance of trucks and trailers at premises located at 90 Kingsland Avenue, Block 84.01, Lot 25.01, which premises are located in an M3 zone; and

WHEREAS, the applicant did present the testimony of Matthew Kunsman, PE and Tung To Lam, PE of Bohler Engineering; Brian McDonough, PP, a planning expert; Paul Going, PE of Atlantic Traffic Design, a traffic expert; and

WHEREAS, the Board did receive reports from its planning consultant, Nicholas Graviano of Graviano & Gillis, Architects & Planners, dated May 1, 2022, and May 31, 2022; and its engineering consultant, Neglia Engineering, dated April 27, 2022;

WHEREAS, the Board did receive into evidence various exhibits presented by the applicant; and

WHEREAS, the applicant has provided proper notice of the application to all property owners within 200 feet of the subject premises; and

WHEREAS, the applicant has published proper notice of the application ask required by law; and

WHEREAS, there were no objectors to the application; and

WHEREAS, after due deliberation, the Board makes the following findings of fact:

1. The site in question is currently used for the Fette car dealership vehicle storage;
2. The applicant is proposing a truck terminal with overnight parking and storage of trucks and trailers with accessory truck maintenance and service within the existing building on the site;
3. The applicant requires a D1 use variance since vehicle storage is not a permitted use in the M3 zone;
4. The applicant requires a D3 use variance where the applicant does not satisfy all the conditions concerning truck terminals as a permitted conditional use;

5. The applicant is seeking C variances for outdoor storage and off-street parking;
6. Based upon the testimony presented by the applicant's planner, the applicant has satisfied the positive criteria required for the grant of a D1 use variance and a D3 conditional use variance;
7. Based upon the testimony of the applicant's traffic expert, the applicant has satisfied the negative criteria required for the grant of the aforesaid use variances;
8. With respect to the bulk variances required, the applicant has shown sufficient hardship to justify the grant of the variances requested;
9. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented by the applicant's experts, that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since the site was previously used by the prior owner for vehicle storage; and

WHEREAS, the Board further finds from the testimony of the applicant's traffic expert that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood; and

WHEREAS, the Board further finds that the relief requested by the applicants may be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zone ordinance; and

NOW THEREFORE, BE IT RESOLVED that the application for preliminary and final site plan approval with associated C and D variances at premises located at 90 Kingsland Avenue, Block 84.01, Lot 25.01, be and the same are hereby approved and the use variances and bulk variances be and the same are hereby granted **SUBJECT TO THE FOLLOWING:**

- 1. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED APRIL 27, 2022;**
- 2. SUBJECT TO ALL RECOMMENDATIONS SET FORTH IN THE REPORTS OF THE PLANNER, NICHOLAS GRAVIANO, GRAVIANO & GILLIS ARCHITECTS & PLANNERS, DATED MAY 1, 2022 AND MAY 31, 2022;**
- 3. SUBJECT TO NO REFRIGERATOR TRUCKS PERMITTED ON THE SUBJECT PREMISES; and**

further subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; 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 LOUIS DE STEFANO.**

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

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **TATIANA ROSADO**  
for premises known as: **99 Hamilton Avenue, Block 7.02, Lot 7**  
be and the same is hereby: **GRANTED** left side yard setback and combined side yard setback variances to build a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to build a second story addition over the existing house at premises located at 99 Hamilton Avenue, Block 7.02, Lot 7, which premises are located in an RHI zone; and

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

- a. The applicant proposes to build a second story addition at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.59 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 15.87 feet;
- 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 second story add-a-level over the existing house at premises located at 99 Hamilton Avenue, Block 7.02, Lot 7, be and the same is hereby approved and the variance for left side yard setback and combined side yard setback 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 GEORGE FOUKAS.**

**Seconded by: Comr SCOTT SOCHON.**

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

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **NATASHA SEALY-DORVELUS**  
for premises known as: **71 Homestead Street, Block 27.03, Lot 18**  
be and the same is hereby: **GRANTED** rear yard setback variance to construct a  
rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback variance approval to construct a rear deck at premises located at 71 Homestead Street, Block 27.03, Lot 18, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to construct a rear deck to the back of the home.
- b. The required rear yard setback 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 to the back of the home at premises located at 71 Homestead Street, Block 27.03, Lot 18, 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 to obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr ZALMAN GURKOV.

Seconded by: Comr GEORGE FOUKAS.

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

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **JOSEPH STICKLES** for premises known as: **59 Harrington Road, Block 55.12, Lot 13** be and the same is hereby: **GRANTED** variances for side yard setback and rear yard setback to rebuild and enlarge an existing garage and variance for widening of the driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to rebuild and enlarge an existing garage and widen the driveway at premises located at 59 Harrington Road, Block 55.12, Lot 13, 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 proposes to rebuild and enlarge an existing garage and widen the driveway at the subject premises;
- b. The side yard setback requirement for an accessory building is 5 feet, and the applicant is proposing 3.1 feet;
- c. The rear yard setback requirement is 6 feet, and the applicant is proposing 3 feet;
- d. The applicant proposes a driveway widening where 5 feet off the property line is required, and the applicant is proposing 0 feet; and
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to rebuild and enlarge an existing garage and widen the driveway at premises located at 59 Harrington Road, Block 55.12, Lot 13, be and the same is hereby approved and the variances for side yard setback, rear yard setback, and driveway setback 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 the 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 (to 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 JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **JOSHUA COHEN**  
for premises known as: **33 Conover Court, Block 71.03, Lot 11**  
be and the same is hereby: **GRANTED** rear yard setback variances for a first floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 rear yard setback variances to construct a first floor addition at premises located at 33 Conover Court, Block 71.03, 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 approval for a first floor addition;
- b. The applicant's property is irregularly shaped lot;
- c. The rear yard setback requirement is 35 feet, and the applicant is proposing setbacks of 21.43 feet and 28.98 feet;
- d. The applicant has shown sufficient hardship due to the irregular shape of the property 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 to construct a first floor addition to premises located at 33 Conover Court, Block 71.03, Lot 11, be and the same is hereby approved and the rear yard setback variance 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 Craviano & 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 SCOTT SOCHON.**

**Seconded by: Comr ZALMAN GURKOV.**

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

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **JHONATY PEREZ-JIMENEZ**  
for premises known as: **5 New Brier Lane, Block 67.07, Lot 1**  
be and the same is hereby: **DENIED** variance for a 5-foot-high solid fence along the  
front, left side, and rear of premises.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a 5-foot-high solid fence along the front, left side, and rear portions of the premises located at 5 New Brier Lane, Block 67.07, Lot 1, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to erect a 5-foot-high solid fence along the front, left side, and rear portion of the home;
- b. The ordinance provides for a 4-foot-high 50% open fence which is permitted;
- c. A 20 foot site triangle variance is required at the street corner;
- d. The applicant has no hardship to justify the grant of the variances requested;
- e. The detriments of the application outweigh the benefits; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that the testimony of the objectors is credible and shows 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 front, left side, and rear of premises located at 5 New Brier Lane, Block 67.07, Lot 1, be and the same is hereby disapproved and the variances be and the same are hereby denied.

**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr SCOTT SOCHON.**

**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, and George Foukas.**

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that  
the application of: **AVI & BAYLA GELLER**  
for premises known as: **15 East Parkway, Block 58.05, Lot 8**  
be and the same is hereby: **GRANTED** front yard setback and number of stories  
variance to expand an existing one-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 approve the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to expand an existing one-family dwelling at premises located at 15 East Parkway, Block 58.05, Lot 8, which premises are located in an RA1 zone; and

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

- a. The applicant requests approval to expand an existing one-family dwelling;
- b. The front yard setback requirement is 35 feet, and the applicant is proposing 33.9 feet;
- c. The number of stories permitted is two, and the applicant is proposing three stories;
- d. The applicant has shown sufficient hardship since the shape of the property is a pie-shaped property 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 by the applicant's expert planner 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 expand the single family dwelling at premises located at 15 East Parkway, Block 58.05, Lot 8, be and the same is hereby approved and the variances for front yard setback and number of stories 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 Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **SAWSAN MAEMARI**  
for premises known as: **117 (119) West 2<sup>nd</sup> Street, Block 9.09, Lot 4**  
be and the same is hereby: **GRANTED side yard setback, combined side yard setback, front yard setback, minimum lot width, minimum lot area, and parking setback to convert a one-family to a two-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 15, 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 to convert a one-family to a two-family dwelling at premises located at 117 (119) West 2<sup>nd</sup> Street, Block 9.09, Lot 4, 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 presently has a one-family dwelling at the subject premises;
- b. The applicant requests variance approval to convert the one-family dwelling into a two-family dwelling;
- c. There are a number of two-family dwellings in the area;
- d. The applicant has submitted into evidence proof of two-family dwellings surrounding the subject premises;
- e. The side yard setback requirement is 12 feet, and the applicant is proposing 2.78 feet;
- f. The combined side yard setback requirement is 24 feet, and the applicant is proposing 14.41 feet;
- g. The front yard setback requirement is 25 feet, and the applicant is proposing 14.9 feet;
- h. The minimum lot width is 40.5 feet where 75 feet is required;
- i. The minimum lot area proposed is 4,050 square feet where 7,500 square feet is required;
- j. The setback required for parking is 5 feet, and the applicant is proposing 0 feet;
- k. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- l. 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 since a two-family dwelling is a permitted use in the RB1 zone; and

WHEREAS, the Board further finds that there are other two-family dwellings in the neighborhood and that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for to convert a one-family dwelling to a two-family dwelling at premises located at 117 (119) West 2<sup>nd</sup> Street, Block 9.09, Lot 4; be and the same is hereby approved and the variances for side yard setback, combined side yard setback, front yard setback, minimum lot width, minimum lot area, and parking setback 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 LOUIS DE STEFANO.**

**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Louis DeStefano, and Vice-Chrmn Gerard Scorziello.**

**MEETING OF JUNE 15, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **DAUGHTERS OF MIRIAM**  
for premises known as: **155 Hazel Street, Block 24.07, Lot 1**  
be and the same is hereby: **GRANTED** a sixty (60) day extension from the date of  
this Resolution to file the signed mylar with the County Clerk.

WHEREAS, Daughters of Miriam was granted a minor subdivision for premises located at 155 Hazel Street, Block 24.07, Lot 1, to permit subdivision of said Block 24.07, Lot 1, into two lots on December 1, 2021; and

WHEREAS, the time period for filing of the signed mylar with the Passaic County Clerk's Office has expired; and

WHEREAS, the applicant has requested an extension of time within which to file the signed mylar with the Passaic County Clerk's Office; and

WHEREAS, the Board has reviewed the matter, and for good cause shown;

NOW THEREFORE, BE IT RESOLVED that the time for filing the application of DAUGHTERS OF MIRIAM for a minor subdivision and variances for premises located at 155 Hazel Street, Block 24.07, Lot 1, be and the same is hereby extended for an additional period of sixty (60) days from the date of this Resolution; and

BE IT FURTHER RESOLVED that the Passaic County Clerk's Office be and the same is hereby authorized to accept the mylar for filing within a period of sixty (60) days from the date of this Resolution.

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

**Seconded by: Comr GEORGE FOUKAS.**

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