

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, October 5, 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, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR URI JASKIEL AND ZALMAN GURKOV.

Chrmn Zecchino advised all applicants that the testimony given before the Board was being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

Upon motion made by Comr Scott Sochon, seconded by Comr Louis DeStefano, the Minutes of the September 21, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the September 28, 2022, special meeting were adopted with the unanimous approval of the entire Board.

REMANDED HEARING

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| 1. | JOHN RADER , 817-825 Clifton Ave., |
| Use | Block 35.06, Lot 16 – B-C – Site plan |
| Variance; | approval required to remove the existing |
| Variance; | MOONEY AUTO REPAIR GARAGE, to |
| Site Plan | enlarge the building housing the existing |
| | DUNKIN DONUTS building, to create an |
| | additional store, two vestibule entrances |
| | to the two stores and a drive-in facility. |
| | A bulk variance is required to permit the |
| | use of lighting other than the ordinance |
| | required high-pressure sodium lighting, |
| | because it is no longer manufactured. |
| | A use variance is required to permit the |
| | drive-in window. All other nonconformities |
| | are pre-existing and do not require variances. |
| | DENIED DECEMBER 2, 2022 – |
| | COURT-ORDERED REMAND. |

This matter was continued without date.

INSPECTION AND DECISION

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| 1. | BARNES KORNER, LLC , 615 Van Houten |
| Use | Ave., Block 43.02, Lot 1 – BC & RB2 – An |
| Variance; | expansion of the bar and restaurant known as |
| Variances | DINGO’S DEN presently located on the |

first floor of the property to the second floor for a room for party rentals and overflow from the first floor and a two person apartment which will require a use variance. In addition, a variance will be required for insufficient parking (60 parking spaces required/1 parking space provided). However, there is existing municipal parking located in a municipal parking lot across the street from the subject property and another available municipal parking lot less than a block away therefrom, which were created specifically for parking of business establishments located along Van Houten Avenue. Further additional parking will be available on the Shook Funeral Home parking lot after it closes. Front, side and rear yard parking variances will be required for the existing expanded front and side yard setbacks and expansion into the rear yard setback for the construction of an elevator for the second floor.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey; and Roger Serruta, Esq., with offices at 60 Northfield Avenue, West Orange, New Jersey, appearing on behalf of the applicant. Also present and previously sworn was Fred Barnes, managing member of the applicant. There were no objectors.

This is a continued hearing from the meetings of July 20, 2022, and September 21, 2022.

Chrmn Zecchino stated that the matter is set for inspection and decision.

After a review of the testimony, Comr Louis DeStefano moved to grant the application, citing the fact that there are no violations or Police incident reports; that the applicant has been at this site in business for 24 years; and that the applicant has secured off-street leased parking from Shook’s Funeral Home; and instructed the Counsel Secretary to prepare the proper Resolution with the following stipulations:

- 1. That the applicant conform to the façade and colors as testified to;
- 2. That the applicant will comply with recommendations of the Board’s planner, Nicholas Graviano;
- 3. Subject to the applicant policing the outside of the premises Thursday through Monday in the early morning hours to prevent patrons from disturbing neighbors; and
- 4. Subject to Passaic County Planning Board approval.

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

CONTINUED HEARINGS

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| 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 three- (3) story mixed-use building consisting of four (4) residential dwelling units above ground floor commercial (restaurant/tavern) space, along with 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. The Applicant further seeks bulk variance relief Pursuant to N.J.S.A. 40:55D-70(c), including: (1) minimum lot area less than required (2,500 sf. required; 2,279 sf. existing non-conformity to remain unchanged); (2) Minimum lot depth less than required (100 ft. required; 90 ft. existing non-conformity to remain unchanged); (3) Building height greater than permitted (30 ft. permitted; 31.5 ft. proposed); (4) Number of stories greater than permitted (2 stories permitted, 3 stories proposed); and (5) Exterior lighting fixtures not proposed to be high-pressure sodium vapor where same is required. To the extent necessary, the Applicant seeks a parking variance for providing less than required number of parking spaces and seeks conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. 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 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.
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This matter was previously continued by the Board until the November 2, 2022 meeting of the Board.

2. Use Variance; Variances	TFJ HAZEL LLC, 252 Hazel Street & 237 West 3rd Street, Block 16.11, Lots 1 & 2 -- RB2 – Preliminary and Final Major Site Plan Approval, Minor Subdivision (lot consolidation) approval, d(1) use variance, d(1) use variance, d(5) density variance, and bulk
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(“c”) relief to construct a three (3)-story mid-rise (two (2) stories over parking), multi-family residential building containing fifty-four (54) dwelling units (currently proposed to contain twenty (20), one (1)-bedroom units; four (4) one (1)-bedroom plus office/den units; twenty-six (26) two(2)-bedroom units; and four (4) two (2)-bedroom plus office/den units) and resident amenities (the “Proposed Building”), along with 104 on-site parking spaces (sixty-two (62) covered/under the Proposed Building and forty-two (42) surface Parking spaces), and related site improvements (all proposed improvements collectively referenced as the “Project”) on the “Property.”

Lot 1 (+/- 71,752 square feet) is currently improved with a vacant, nonconforming manufacturing/ industrial building that was formerly operated as a textile dyeing and finishing facility (International Veiling Corp.).

Lot 2 (+/- 3,500 square feet) is improved with a vacant, one-family residential dwelling. As part of the application, the existing lots will be consolidated (combined) to form a new lot consisting of +/- 75,252 square feet and the existing improvements will be removed.

The Project is proposed to be accessed by a full-movement driveway along 7th Avenue and a full-movement driveway at the intersection of 7th Avenue and West 4th Street. An on-site loading zone is being proposed for resident, delivery, and refuse collection. Proposed site improvements include, but are not necessarily limited to, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, a monument sign near the proposed driveway on Seventh Avenue, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, sidewalks and walkways.

The Property is in the R-B2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the “R-B2 Zone”), which does not permit three (3)-story mid-rise, multi-family residential buildings.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(d), from the City of Clifton Zoning Ordinance (the “Ordinance”), as follows:

1. From Section 461-13.1.E “Use Regulations” for

the R-B2 Zone - To permit a three (3)-story mid-rise, multi-family residential building in the R-B2 Zone, where three (3) story mid-rise, multi-family residential buildings are not permitted.

2. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone” - Minimum Lot Area per Dwelling Unit – To permit a lot area per dwelling unit of 1,393.6 square feet, where a minimum lot area per dwelling unit of 3,351 square feet is required.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(c), from the Ordinance, and if required, and/or waivers / exceptions from the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, as follows:

1. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Rear Yard Setback - To permit a rear yard setback (measured to the Garden State Parkway right-of-way) of 4.9 feet, where a minimum rear yard setback of 40 feet is required.

2. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Side Yard Setback - To permit a side yard setback of 12 feet (along Hazel Street (CR702)), where a minimum side yard setback of 20 feet is required.

3. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Combined Side Yard Setback - To permit a combined side yard setback of 33.6 feet (12’ as measured from Hazel Street (CR702) and 21.6’ as measured from the property line adjoining Block 16.11, Lot 17), where a minimum combined side yard setback of 40 feet is required.

4. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Maximum Lot Coverage of Principal Building – To permit a maximum lot coverage of 36.2%, where a maximum lot coverage of 25% is permitted.

5. From Section 461-60.1.A, “Requirements for off-street parking and loading spaces” – To permit 104 parking spaces to be provided, where 135 parking spaces are required under the Ordinance, but which 104 parking spaces satisfy RSIS requirement, which control.

6. From Section 461-42.A, “Additional requirements” - To permit pole-mounted, building-mounted, and/or site light-emitting diode (LED) lighting fixtures, where high-pressure sodium vapor lights are required.

7. From Section 461-60.A, “Standards for parking spaces and areas” – To permit off-street parking spaces sized 9’ wide by 18’ deep, where parking spaces are required to be 9’ wide x 19’ deep under the Ordinance, but which meets RSIS requirement which control.

The Applicant also requests any other approvals, waivers, variances, deviations and/or exceptions from the Ordinance, the City of Clifton General Ordinances, and/or RSIS, including, but not necessarily limited to, any additional setback variances (front yard setback, rear yard setback, or side yard setbacks) that may result from an alternative interpretation of the Ordinance provisions relating to setbacks, all as may be determined to be required for the Project during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing.

This matter was previously continued by the Board to the October 19, 2022 meeting of the Board.

3.
Variance
- JAIME & VIVIANA BORJA**, 67 Huemmer Terrace, Block 64.01, Lot 17 – RA2 –
Applicant is seeking variance relief from the Township Ordinance Section 461-47A for permission to construct a fence in excess of the height mandated by the said ordinance. The proposed fence is 6 ft. in height where 4 ft. is permitted. The fence is along the perimeter of the property.

This matter was previously continued by the Board to the November 2, 2022 meeting of the Board.

4.
Use
Variance;
Variances
- 522 VALLEY ESTATES LLC**, 522 Valley Road, Block 32.01, Lot 12 – Steep Slope District –
Preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief (the “Application”) by 522 Valley Estates LLC (the “Applicant”) with respect to property having a street address of 522 Valley Road, Clifton, New Jersey 07013, and being designated as Block 32.01, Lot 12 on the City of Clifton Tax Map (the “Property”). The Property is located in the Steep Slope Zoning District. The Applicant seeks approval to demolish the existing building and raze the Property and construct a new residential complex

consisting of 21 townhouse dwelling units within three (3) separate buildings, along with related site improvements, including but not limited to parking, landscaping and lighting. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(6)for building height greater than permitted (35 ft. permitted;42.75 feet proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c), including: (1) Number of stories greater than permitted (3 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 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.

This matter was previously continued by the Board to the October 19, 2022 meeting of the Board.

5.
Variance

1041 PAULISON LLC, 1041 Paulison Avenue, Block 19.03, Lot 8 – M1 – Applicant is proposing to use this property as an auto accessory installation premises consisting of two bays for which a vehicle would remain for multiple days receiving installation of auto accessories. The applicant requests the following variances:

 - 1) Use variance for the proposed use;
 - 2) A variance for the left side yard where 5.1 ft. Is provided and 10 ft. is required.
 - 3) A variance for parking as may be required.
 - 4) A variance for parking space setbacks.

This matter was previously continued by the Board to the October 19, 2022 meeting of the Board.

6.
Use
Variance;
Variances

MJG-MAR REALTY, LLC, 42 Lakeview Ave., Block 7.05, Lot 70 – BC – This is an application for a Use Variance to permit use of the former GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts, retail and wholesale. The sale at wholesale is a use not permitted in the B-C zone. It is also an application for bulk variances to permit the continuation of bulk variances as follows:

 - 1) Front yard setback (20 feet required; 0 feet existing and proposed);
 - 2) Side yard setback (20 feet required; 7.1 feet existing and proposed);
 - 3) Rear yard setback (15 feet required; 0 feet

- existing and proposed);
- 4) Lot coverage (60% required; excess of 60% is existing and proposed);
- 5) Off street parking or loading spaces, parking aisles, maneuvering areas not to be located within 10 feet of any rear lot line or within 5 feet of any other lot line and adequately landscaped. Existing and proposed conditions do not conform to these requirements, but some landscaping is proposed; 1 loading space required (no loading spaces are existing or proposed).
- 6) Variances required because 6 parking spaces are required for warehouse use only and are provided, but 5 parking spaces are required for retail use and none are provided.

This matter was previously continued by the Board to the November 2, 2022 meeting of the Board.

7.	WALBRI PROPERTIES, LLC , 3-7 Walnut
Use	Street, Block 37.04, Lots 9 and 13 – M2 –
Variance;	An Application for development has been
Variances	submitted for property located at
	3-7 Walnut Street, Clifton, NJ; and also located
	at 9-11 Walnut Street, City of Passaic, NJ,
	Block 3245.03, Lot 10, Zone designation as C.
	The purpose of the Application and the Project is
	for the development of the property is to combine
	the use of all 3 lots, to demolish the old
	pavement on the properties, and to construct a
	new 7,442 square foot 1 story 33.6 foot height
	commercial flex multi-tenant warehouse building
	on what is currently identified as Lot 9 and part
	of Lot 13, with 9 parking spaces, including 1
	handicapped space on the remaining part of
	Lot 13 and on Lot 10.
	The application in question requires the
	following approval/relief from the City of
	Clifton Zoning Board of Adjustment as per the
	Clifton Zoning Ordinance:
	Variances for:
	1) Front yard where 20 feet is required and 3
	feet is proposed;
	2) Side yard where 16.8 feet is required and 4
	feet is proposed;
	3) Rear yard where 40 feet is required and 4
	feet is proposed;
	4) Parking area setback where 5 feet is required
	and 0.3 feet is proposed;
	5) A variance from the terms of City of Clifton
	Ordinance Code 461-36 E 3&4 which provides that
	warehouses shall not be located on a lot, any
	part of which is within 100 feet of a residence
	district boundary; and the use shall meet the
	area, height and bulk requirement for industrial

plants in an M-2 District and shall meet the off-street parking, loading and unloading and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District;
6) For site plan approval; and
7) Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:
Variances for 1] For site plan approval; and
2] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

This matter was previously continued by the Board to the November 16, 2022 meeting of the Board.

NEW HEARINGS

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| 1.
Use
Variance;
Variance | PORTUGUESE TAVERN STEAK HOUSE CORP. , 503 Crooks Avenue, Block 9.03, Lot 8 – M-2 – Applicant is proposing to expand the take-out space and modernize the kitchen area as well as build two new bathrooms which is an expansion of a nonconforming use. Also requested is a parking variance for 22 parking spaces existing where 70 parking spaces are required. |
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Glenn Peterson, Esq., with offices at 1037 US Highway 46, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Luis Filipe Costs Silva, owner and operator of the applicant. There were no objectors.

The Board is in receipt of report of its planner, Nicholas Graviano, dated October 3, 2022.

Mr. Peterson stated that the applicant requests two small additions with the same parking; he stated the present conditions at the site; that the proposal will improve the existing restaurant; that the applicant requires a pick-up area for customers; that there will be no new employees; that he presently has 11 employees; that deliveries to the site will be in the morning before the restaurant opens; that the dumpster will remain where it is currently.

Mr. Silva testified that there was an increase in take-out and deliveries; that he wanted to meet the demand and stay in business by creating this addition.

After a review of the testimony, Comr John Foukas moved to grant the application, stating that it is minor and an improvement, and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for approval were Comrs George Silva, 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. **LASZLO NOVAK**, 144 Orchard Drive,
Variance Block 78.01, Lot 54 – RA3 – Applicant is proposing a 6’ solid fence in the rear of the home along the left side of the property where a 5’ solid is permitted by code.

The applicant, Laszlo Novak, and his wife, Monika, residing at 144 Orchard Drive, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicants testified that they are proposing a 6-foot-high solid fence in the rear of the home and along the left side of the property where a 5-foot-high solid fence is permitted; that they require a 6-foot-high solid fence due to the configuration and irregular size of the lot with a yard that slopes; that they request the fence for privacy and safety; that their neighbor’s yard is higher up and looks right into their yard.

The Board suggested that the applicant amend the application to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, and suggested arbor vitae for height. The applicants stated that they would not change the application.

After a review of the testimony, Comr Michael Molner moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Silva. Voting for denial were Comrs George Silva, 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 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.

3. **LINDA SILUK**, 93 Sherwood Street, Block
Variance 25.06, Lot 5 – RA3 – Applicant is proposing a deck in the backyard where a rear yard setback is proposed at 30’ where 35’ is required.

The applicant, residing at 93 Sherwood Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant stated that she requests variance approval for a deck in the backyard where a rear yard setback is proposed at 30 feet and 35 feet is required; that she would like to enjoy outdoor living, dining, and nature.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Scott Sochon. Voting for approval were Comrs George Silva, 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. **DWAYNE FRANCIS & JANELLE**
Variance **NICHOLAS-FRANCIS**, 10 West 7th Street,
Block 16.15, Lot 18 – RB1 – Applicant is
proposing a rear addition that has a rear
yard setback being proposed at 28’ where
35’ is required.

The applicant, Janelle Nicholas-Francis, residing at 10 West 7th Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for a rear addition; that the rear yard setback requirement is 35 feet, and she is proposing 28 feet; that there is a sink and toilet in the basement, and there is no direct access to the outside from the basement.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that there be no access to the basement from the outside. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for approval were Comrs George Silva, 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.

5. **JOSEPH SIA**, 669 Broad Street, Block 34.05,
Variances Lot 21 – RA3 – Applicant is proposing a new
one-story addition to replace an open porch
which is an expansion of a nonconforming use
and also requires the following variances:
1) Side yard setback proposed at 5.65’ where
6’ is required;
2) Rear yard setback proposed at 15.29’ where
35’ is required.

The applicant, Joseph Sia, residing at 4 Thanksgiving Lane, Clifton, New Jersey, was present and sworn. Also present and sworn on behalf of the applicant was Chris Blake, architect, with offices at 24 New Bridge Road, Bergenfield, New Jersey. There were no objectors.

Mr. Blake testified that the applicant requests variance approval to erect a one-story addition over the open porch area; that the hardship is the location of the building on the lot; that the lot is low-lying and prone to flooding; that the applicant wants to move the mechanical equipment to the first floor; that the addition is minimal and not visible from the street.

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

The Minutes as stated is the complete

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

6. **KIMBERLY DUNHAM**, 132 Friar Lane, Block 46.03, Lot 28 – RA2 – Applicant is proposing a new second floor addition which requires the following variances:
- 1) Front yard setback proposed at 23.66' where 30' is required;
 - 2) Side yard setback proposed at 5' where 6' is required;
 - 3) Combined yard setback proposed at 10' where 16' is required.

The applicant, Kimberly Dunham, and her husband, Kenya Dunham, residing at 132 Friar Lane, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that she requests variance approval for a new second floor addition; that she requires additional living space; that the second floor addition will be over the existing footprint of the first floor.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for approval were Comrs George Silva, 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. **GITTY IDELS**, 140 South Parkway, Block 60.04, Lot 5 – RA3 – Applicant is proposing to add a second story addition to the existing single family home and requires the following variances:
- 1) Front yard setback proposed at 24.1' where 25' is required;
 - 2) Rear yard setback proposed at 25.9' where 35' is required;
 - 3) Total lot coverage proposed at 32% where only a maximum of 27% is permitted.

Glenn Peterson, Esq., with offices at 1037 Route 46, Clifton, New Jersey, appeared on behalf of the applicant. Present and affirmed was the applicant, Gitty Idels, residing at 140 South Parkway, Clifton, New Jersey. There were no objectors.

Mr. Peterson stated that the applicant requests variance approval to erect a second story addition; he stated the present conditions at the site; that there will be 4 bedrooms and 3 bathrooms; that the addition will accommodate his family; that the addition is not extreme.

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

seconded by Vice-Chrmn Gerard Scorziello. Voting for approval were Comrs George Silva, 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.

8. **JOEL OCHOA**, 99 Larkspur Lane, Block 40.05, Lot 48 – R3A – Site Plan Approval
Variance seeking variance relief for enlarging the second story of his residential dwelling as the addition will intrude into the rear yard setback. The plan shows a rear yard setback at the corner of the extension of 12 feet where 35 feet is required. In addition to the above, Applicant requests that the application be deemed amended to include any additional approvals, variances, exceptions or waivers determined to be necessary in the review or processing of this application, whether requested by the Board or otherwise.

The applicant, residing at 99 Larkspur Lane, Clifton, New Jersey, was present and sworn. Present and sworn on behalf of the applicant were the following: Miguel Hernandez, architect, with offices at 624 West St. Georges Avenue, Linden, New Jersey; and Matthew Flynn, project planner, Morristown, New Jersey.

Mr. Flynn testified as a planner as to the present conditions at the site; that the applicant requests approval to erect a second story; that the lot is abnormal in shape; that there are three pre-existing, non-conforming variances requested; he testified as to the location on the site; as to the roadway and surrounding dwellings; that the Garden State Parkway is in the rear; that there is no impact on neighbors; that the property is oversize; that the proposal is good for light and air, open space; that the attic is for aesthetic purposes; that the benefits outweigh the detriments.

Mr. Ochoa testified that the property is presently a one-family and will remain a one-family dwelling.

Mr. Hernandez testified as an architect and stated as to the existing and proposed layout; that there are no changes to the basement and first floor; that the lot is irregular in size, like a diamond shape; that the proposal will upgrade housing; that the application is an efficient use of the land; that the applicant meets several provisions of the Municipal Land Use Law; that there is no detriment due to the remote location; that the benefits outweigh any detriments.

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

9.
Use
Variance;
Variances
- EMB 561 LLC**, 561 Van Houten Avenue, Block 43.04, Lot 8 – BC – Preliminary and Final site plan approval; use variance approval; bulk variances from Section 461-13 for pre-existing non-conformities consisting of minimum front yard and minimum side yard/ each, which none of the pre-existing non-conformities are being increased or changed; and any other variance, waiver, or other relief, if necessary, from the requirements of the Clifton Zoning code to permit the Applicant to convert the existing mixed use building into a multi-family apartment dwelling consisting of 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor.

At the request of the attorney for the applicant, this matter was continued by the Board to the November 16, 2022, meeting of the Board.

10.
Variances
- KEN LOWY**, 60 Lehigh Avenue, Block 70.03, Lot 54 – RA3 – Applicant is proposing a second floor addition over the existing footprint which requires the following variances:
1) Front yard setback proposed at 23.8’ where 25’ is required;
2) Side yard setbacks proposed at 4.5’ & 5.5’ where a minimum of 6’ & 10’ is required;
3) Combined yard setback proposed at 10’ where 16’ is required;
4) Maximum lot coverage proposed at 28.74% where a maximum of 27% is required.

The applicant, residing at 60 Lehigh Avenue, Clifton, New Jersey, was present and affirmed. There were no objectors.

The applicant testified that he requests approval for a second floor addition over the existing footprint; that the variances are pre-existing conditions; that there is a sink and toilet in the basement with no direct access from the outside.

After a review of the testimony, Comr Scott Sochon moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that there be no access from the outside to the basement. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for approval were Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

RESOLUTIONS

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of HACI BABA BAKERY LLC for d(3) conditional use variance approval with associated “c” variances to occupy the majority of an existing warehouse/commercial building with a 53 seat bakery establishment at 1639 Main Avenue, Block 9.06, Lot 6, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BARNES KORNER, LLC for premises known as: 615 Van Houten Avenue, Block 43.02, Lot 1 be and the same is hereby: GRANTED d(1) use variance for two principal uses (restaurant and residential), bar and restaurant in RB-2 district, and mixed-commercial & residential building in BC zone and “c” variances for minimum lot width, front yard setback, rear yard setback, street side front yard setback, maximum lot coverage, front yard setback, side yard setbacks and combined side yard setback, and off-street parking to create a party room and a studio apartment on the second floor of an existing mixed use building.

Testimony concerning the aforesaid application was taken by the Board at its meetings on July 20, 2022, and September 21, 2022, with inspection and decision on October 5, 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 use variances and bulk variances to create a party room and a studio apartment on the second floor of an existing mixed use building at premises located at 615 Van Houten Avenue, Block 43.02, Lot 1, which premises are located in a BC and RB2 zones; and

WHEREAS, the applicant has applied for site plan approval and d(1) use variances for:

- a. One principal use per lot is permitted and two principal uses are proposed (restaurant and residential);
 - b. Bars and restaurants are not permitted in the RB2 district;
 - c. Mixed commercial and residential buildings are not permitted in the BC zone;
- and

WHEREAS, the applicant has applied for the following “c” variances:

- a. Minimum lot width where 50 feet is required and 25 feet is existing and proposed;
- b. Front yard setback where 5 feet is required and 0 feet is existing and proposed;
- c. Rear yard setback where 10 feet is required and 0 feet is proposed (at BC and RB2 District zone boundary);
- d. Street side front yard setback where 5 feet is required and 0 feet is existing and proposed;
- e. Maximum lot coverage where 60% is required and lot coverage in excess of 60% is existing and proposed;
- f. Front yard setback where 25 feet is required and 0 feet is existing and proposed;
- g. Side yard setback where 20 feet is required and 0 feet and 16.5 feet are existing and proposed;
- h. Side yard setback where 40 feet is required and a combined side yard setback of 16.5 feet is proposed;
- i. No building or premises shall be built or erected, nor shall any building be altered so as to expand its usable floor area, nor shall the use of any building or premises be expanded, unless there is provided parking and loading space in accordance with the requirements of the Schedule of Regulations in Article IV; and
- j. 60 off-street parking spaces are required and 0 off-street parking spaces are proposed; and

WHEREAS, the Board has received the following reports:

- a. Report of Nicholas A. Graviano, PP, AICP, JD dated July 14, 2022; and

WHEREAS, the Board has heard testimony from the applicant's experts, Peter Steck, professional planner; and Michael Capo, AIA, architect; who all gave testimony in support of the application; and

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

- a. The applicant requests approval to create a party room and studio apartment on the second floor of an existing mixed use building presently containing Dingo's Den bar;
- b. The applicant proposes to create a new party room 36.5 feet by 25 feet for approximately 912 square feet of space (outside of the hallways leading to the space);
- c. The site abuts a mixed use commercial and residential building on Van Houten Avenue in the BC District, and the rear of the site containing outdoor space and trash dumpsters abuts a residential dwelling in the RB2 district;
- d. The applicant proposed an addition for egress on the rear of the building on the portion of the site in the RB2 district, and aside from the internal modifications for the party room, the applicant is also proposing a balcony on Van Houten Avenue;
- e. Based on the testimony presented by the applicant's expert, the Board finds that the site is particularly suited for the proposed use;
- f. The applicant has satisfied the positive and negative criteria required for the grant of the use variances requested;
- g. The applicant has sustained the burden of proof for the "c" variances since they advance the purposes set forth in the Municipal Land Use Law;
- h. The variances may be granted without substantial detriment to the public good and without impairment of the intent and purpose of the zone plan and the zone ordinance;
- i. The benefits of the application outweigh the detriments, if any;
- j. The Board finds that the testimony presented by the applicant's experts is credible and supports approval of the application;
- k. The applicant has shown sufficient hardship to justify the grant of the "c" variances requested;
- l. Based upon the testimony presented by the applicant's experts, the Board concludes that the applicant has met its burden of proof, entitling it to the grant of the approval requested; 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 as aforesaid for site plan approval with associated "d" and "c" variances to create a party room and a studio apartment on the second floor at premises located at 615 Van Houten Avenue, Block 43.02, Lot 1, be and the same are hereby approved and the "d" and "c" variances as set forth herein are hereby granted subject to such further governmental approvals as may be required by law and **SUBJECT TO THE FOLLOWING:**

- 1. That the applicant conform to the façade and colors as testified to;**
- 2. That the applicant will comply with recommendations of the Board's planner, Nicholas Graviano;**

3. Subject to the applicant policing the outside of the premises Thursday through Monday in the early morning hours to prevent patrons from disturbing neighbors; and
4. Subject to Passaic County Planning Board approval.

AND FURTHER 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, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino.**

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PORTUGESE TAVERN STEAK HOUSE CORP. for premises known as: 503 Crooks Avenue, Block 9.03, Lot 8 be and the same is hereby: GRANTED preliminary and final site plan approval with associated “c” and “d” variances to erect two additions for a take-out area and improved ADA bathrooms.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 John Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant request use variance and bulk variances for two additions to the building for a revised take-out area totaling 265 square feet and improved ADA bathrooms totaling 104 square feet at premises located at 503 Crooks Avenue, Block 9.03, Lot 8, which premises are located in an M2 zone; and

WHEREAS, the applicant has applied for preliminary and final site plan approval with a d(2) variance for expansion of a non-conforming use in that restaurants and taverns are not permitted in the M2 zone; and

WHEREAS, the applicant has applied for the following “c” variances:

- a. Front yard setback where 20 feet is required and 0.2 feet is existing and proposed;
- b. Rear yard setback where 15 feet is required and 0 feet is existing and proposed;
- c. Off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located in any required front yard where parking in the front yard is existing and proposed;
- d. Off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line, and all setback areas shall be adequately landscaped where the current parking lot abuts the rear, front, and side lot lines;
- e. Freestanding signs shall meet the required setbacks of the principal building;
- f. Side yard setback of 15 feet is required and 0 feet is proposed;
- g. Freestanding signs shall meet the required setbacks lines and a freestanding sign in the required front yard setback is proposed;
- h. Less than the number of required off-street parking spaces are proposed at 22 where 70 parking spaces are required; and

WHEREAS, the Board has received the report of its planner, Nicholas A. Graviano, PP, AICP, JD dated October 3, 2022; and

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

- a. The current site consists of a restaurant encompassing 12,500 square feet and contains the restaurant and parking area;
- b. The applicant proposes additions to the building totaling 265 square feet for the revised take-out area and 104 square feet for improved ADA bathrooms;
- c. The Board finds that the site is particularly suited for the proposed use;

- d. The applicant has satisfied the positive and negative criteria required for the grant of the use variance requested;
- e. The applicant has sustained the burden of proof for the “c” variances since they advance the purposes set forth in the Municipal Land Use Law;
- f. The variances may be granted without substantial detriment to the public good and without impairment of the intent and purpose of the zone plan and the zone ordinance;
- g. The benefits of the application outweigh the detriments, if any;
- h. The applicant has shown sufficient hardship to justify the grant of the “c” variances requested;
- i. The Board concludes that the applicant has met its burden of proof, entitling it to the grant of the approval requested; 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 due to the unique conditions at the site; 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 additions for a revised take-out area and for improved ADA bathrooms at premises located at 503 Crooks Avenue, Block 9.03, Lot 8, be and the same is hereby approved and the “d” and “c” variances as set forth herein are hereby granted further subject to such further governmental approvals as may be required by law; **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;** and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer’s Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of 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 JOHN FOUKAS.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **LASZLO NOVAK**
for premises known as: **144 Orchard Drive, Block 78.01, Lot 54**
be and the same is hereby: **DENIED** variance for a 6-foot-high solid fence in the
rear of the home along the left side of the property.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 variance approval to erect a 6-foot-high solid fence at premises located at 144 Orchard Drive, Block 78.01, Lot 54, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to erect a 6-foot-high solid fence along the rear left side of the property where a 5-foot-high solid fence is permitted;
- b. The Board has not found any special reasons or sufficient hardship to justify the grant of this application;
- c. The applicant was not amenable to the suggestion of the Board for a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet;
- d. The detriments of the application outweigh the benefits, if any; 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 from the testimony presented 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 6-foot-high solid fence at premises located at 144 Orchard Drive, Block 78.01, Lot 54, be and the same is hereby disapproved and the variance for fence height be and the same is hereby denied.

Resolution moved by: Comr MICHAEL MOLNER.
Seconded by: Comr GEORGE SILVA.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LINDA SILUK for premises known as: 93 Sherwood Street, Block 25.06, Lot 5 be and the same is hereby: GRANTED rear yard setback variance to build a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 rear yard setback variance for a rear deck at premises located at 93 Sherwood Street, Block 25.06, Lot 5, 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 to erect a rear yard deck where the rear yard setback is proposed at 30 feet and 35 feet is required;
- b. The applicant would like to enjoy outdoor living, dining, and nature;
- c. 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 to build rear deck at premises located at 93 Sherwood Street, Block 25.06, Lot 5, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted 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 MICHAEL MOLNER.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **DWAYNE FRANCIS & JANELLA NICHOLAS-FRANCIS** for premises known as: **10 West 7th Street, Block 16.15, Lot 18** be and the same is hereby: **GRANTED** variance for rear yard setback to erect a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 rear yard setback variance approval to erect a rear addition at premises located at 10 West 7th Street, Block 16.15, Lot 18, 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 approval for a rear yard setback variance to erect a rear addition where the rear yard setback requirement is 35 feet and the applicant is proposing 28 feet;
- b. There is a sink and toilet in the basement, and the basement has no direct access from the outside;
- 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 addition at premises located at 10 West 7th Street, Block 16.15, Lot 18, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted further subject to such further governmental approvals as may be required by law **AND SUBJECT TO THE STIPULATION THAT THERE BE NO ACCESS TO THE BASEMENT FROM THE OUTSIDE;** and further 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 VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **JOSEPH SIA**
for premises known as: **669 Broad Street, Block 34.05, Lot 21**
be and the same is hereby: **GRANTED** use variance for an expansion of an existing, non-conforming use and side yard setback and rear yard setback variances for a one-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 approval to erect a one-story addition over existing open porch at the rear and side at premises located at 669 Broad Street, Block 34.05, Lot 21, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to erect a one-story addition over an existing open porch area;
- b. A side yard setback variance is required where 6 feet is required and 5.65 feet is proposed;
- c. A rear yard setback variance is required where 35 feet is required and 15.29 feet is proposed;
- d. The hardship is the location of the building on the lot;
- e. The lot is low-lying and prone to flooding, and the purpose of the addition is so that mechanical equipment can be moved to the first floor;
- f. The addition is minimal and not visible from the street;
- g. Based on the testimony of the applicant's expert, the Board finds that the site is particularly suited for the proposed use and there are unique conditions at the site;
- h. The applicant has satisfied the positive and negative criteria required for the grant of the use variance requested;
- i. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- j. 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 addition at premises located at 669 Broad Street, Block 34.05, Lot 21, be and the same is hereby approved and the use variance for expansion of an existing, non-conforming use and variances for side yard setback and rear yard setback variances be and the same is hereby granted further subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL** and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for

review and approval by the Board Attorney and the City Engineer prior to filing of same.

3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.

4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.

5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.

6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.

7. Compliance with the terms of 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 SCOTT SOCHON.

Seconded by: Comr GEORGE SILVA.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KIMBERLY DUNHAM for premises known as: 132 Friar Lane, Block 46.03, Lot 28 be and the same is hereby: GRANTED front yard, side yard, and combined yard setback variances for a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 for a second floor addition at premises located at 132 Friar Lane, Block 46.03, Lot 28, 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 seeks approval to erect a second floor addition over the existing footprint of the first floor;
- b. A front yard setback variance is required at 30 feet and 23.66 feet is proposed;
- c. A side yard setback variance is required at 6 feet where 5 feet is proposed;
- d. A combined yard setback variance is required where 16 feet is required and 10 feet is proposed;
- e. The applicant requires additional living space;
- f. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- g. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; 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 second floor addition at premises located at 132 Friar Lane, Block 46.03, Lot 28, be and the same is hereby approved and the variances for front yard, side yard, and combined yard be and the same are hereby granted 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 VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GITTY IDELS for premises known as: 140 South Parkway, Block 60.04, Lot 5 be and the same is hereby: GRANTED front yard, rear yard, and total lot coverage variances to erect a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a second story addition at premises located at 140 South Parkway, Block 60.04, Lot 5, which premises are located in an RA3 zone; and

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

- a. The applicant requests approval to erect a second story addition to the existing single family home;
- b. Variance is required for front yard setback where 25 feet is required and 24.1 feet is proposed;
- c. Variance is required for rear yard setback where 35 feet is required and 25.9 feet is proposed;
- d. Variance is required for total lot coverage where 27 percent is permitted and 32 percent is proposed;
- 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 erect a second floor addition at premises located at 140 South Parkway, Block 60.04, Lot 5, be and the same is hereby approved and the variance for front yard setback, rear yard setback, and total lot coverage be and the same are hereby granted 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 SCOTT SOCHON.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 5, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **JOEL OCHOA**
for premises known as: **99 Larkspur Lane, Block 40.05, Lot 48**
be and the same is hereby: **GRANTED** rear yard setback variance to erect a second
story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 at premises located at 99 Larkspur Lane, Block 40.05, Lot 48, which premises are located in an R3A zone; and

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

- a. The applicant seeks to erect a second story addition;
- b. A variance is required for a rear yard setback variance where 35 feet is required and 12 feet is proposed;
- c. The lot is irregular in shape;
- d. The lot faces the Garden State Parkway in the rear;
- e. The applicant has shown sufficient hardship to justify the grant of the variance 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 due to the unique conditions at the site; 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 second floor addition at premises located at 99 Larkspur Lane, Block 40.05, Lot 48, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted 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 GEORGE SILVA.

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

MEETING OF OCTOBER 5, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KEN LOWY for premises known as: 60 Lehigh Avenue, Block 70.03, Lot 54 be and the same is hereby: GRANTED front yard, side yard, combined side yards, and maximum lot coverage variances to erect a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 5, 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 variances to erect a second floor addition at premises located at 60 Lehigh Avenue, Block 70.03, Lot 54, which premises are located in a 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 erect a second floor addition;
- b. A variance is required for front yard setback where 25 feet is required and 23.8 feet is proposed;
- b. A variance is required for side yard setback where 6 and 10 feet is required and 4.5 feet and 5.5 feet is proposed;
- c. A variance is required for combined side yard setback where 16 feet is required and 10 feet is proposed;
- d. A variance is required for 27 percent where 28.74 percent is proposed;
- e. That the variances requested are for pre-existing conditions;
- f. The second floor addition is over the existing first floor footprint;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a second floor addition at premises located at 60 Lehigh Avenue, Block 70.03, Lot 54, be and the same is hereby approved and the variances for front yard setback, side yard setback, combined yard setbacks and maximum lot coverage be and the same are hereby granted 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 SCOTT SOCHON.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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