

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 7, 2022. Acting-Chrmn Scorziello 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. Acting-Chrmn Scorziello announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: CHRMN MARK ZECCHINO.

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

Upon motion made by Comr Scott Sochon, seconded by Comr George Foukas, the Minutes of the November 16, 2022 regular meeting were adopted with the unanimous approval of the entire Board.

REMANDED HEARING

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.

CONTINUED HEARINGS

1. **522 VALLEY ESTATES LLC**, 522 Valley Road,
Block 32.01, Lot 12 – Steep Slope District –
Use Preliminary and final major site plan approval,
Variance; use variance, bulk variance and design waiver/
Variances 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.

At the request of the attorney for the applicant, this matter was continued to the
February 1, 2023 meeting of the Board.

2. **WALBRI PROPERTIES, LLC**, 1 & 9 Walnut
Street, Block 37.04, Lots 9 and 13 – M2 –
Use An Application for development has been
Variance; submitted for property located at
Variances 1 & 9 Walnut Street, Clifton, NJ; and also located
at Interior Brighton Ave., 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 & 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] Allowing "d(3)" conditional use variances, pursuant to N.J.S.A. 40:55D-70.d (3), in that there is a deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to a conditional use and based upon the requirements set forth in Clifton Code Section 461-36.E. and because the Applicant does not meet the following conditions, variances are required as to the following: (1) The frontage and principal access to such use shall be located on a collector or arterial street (as defined under Chapter 399, Subdivision of Land) not less than 60 feet in width; and (2) The frontage of the lot on which such use is proposed to be located shall not be within 1/2 mile of a public or parochial school or public park or playground which abuts the same street as the proposed truck terminal, transfer station or warehouse fronts, except State Highway Route No. 3 and Route No. 46, measured along the center line of said street; and (3) The use shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and (4) The use shall meet the area, height and bulk requirements 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; and allowing any other d(3) conditional use variances that may be required pursuant to N.J.S.A. 40:55D-70.d (3), for any other deviations from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to the conditional use of the proposed building and use on the subject property; 2] Front Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a front yard setback of 20 feet is required and front yard setback of three (3) feet is proposed; 3] Rear Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a rear yard setback of 40 feet is required and rear yard setback of four (4) feet is proposed; 4] Side Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a side yard setback of 16.8 feet is required and side yard setback of four (4) feet is proposed; 5] From City of Clifton Code Section 461-60.E in that parking shall not be permitted in the required front yard and parking in the required front yard is proposed; 6] From City of Clifton Code Section 461-60.F in that: "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 the proposed parking lot does not meet ten (10) feet on the rear property line at approximately one (1) foot and in the rear and side parking lot setbacks, and the proposed lot is also less than five (5) feet at the front yard setback requirement; 7] All setback areas shall be adequately landscaped; and 8] preliminary and final site plan approval with associated "c" and "d" variances; 9] 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; 2] The Passaic City portion to be developed as a parking lot with a portion of the Ingress and egress into the property, and 3] 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 January 18, 2023 meeting of the Board.

3. **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.

This matter was previously continued by the Board to the January 18, 2023 meeting of the Board.

4. **833 CLIFTON AVE PARTNERS, LLC**,
833 Clifton Avenue, Block 35.07, Lot 1
-- BC – Preliminary and final site plan
approval, use variance, bulk variances
and exterior LED lighting. The applicant
seeks approval to construct a 3-story
residential apartment building containing
26 one-bedroom units. Any and all
additional variances that may be required.

This matter was previously continued by the Board to the January 18, 2023 meeting of the Board.

NEW HEARINGS

1. **JOHN FOUKAS**, 339 Piaget Avenue,
Block 18.02, Lot 7 – RB2 – The applicant
is requesting a use variance to convert an
existing 4-unit residential building to a
5-unit residential building with the new unit
on the ground level.

Matthew J. Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 20 Independence Court, Clifton, New Jersey, was present and sworn. Also present on behalf of the applicant was Frank D. Mileto, AIA, PP, of 14 Beaver Brook Drive, Long Valley, New Jersey, architect and planner. The following objector was present and sworn: Ed Welsh, 159 West Second Street, Clifton, New Jersey. Also present and sworn was interested party Lynn Faber, 114 Barkley Avenue, Clifton, New Jersey.

Acting Counsel John D. Pogorelec, Jr., excused himself from participating in the matter.

Comr George Foukas recused himself from participating in the matter, and Comr Uri Jaskiel sat in his place and stead.

The Board was in receipt of report of its planner, Nicholas A. Graviano, dated December 3, 2022.

Mr. Mileto testified that the applicant seeks to convert lower level ground floor office space to a one-unit apartment for a total of five units at the site; that there is no expansion of the existing building; that a D5 use variance is required for conditional use; that a D1 density variance is required for number of units. He further testified as to square foot density, number of units, parking, access, egress, handicap requirements, particularly suited, no neighborhood impact, meets off-street parking; walkway to be installed, present use of the lower level, proposed use for apartment and mechanical room, laundry, and storage, topography and grading, and refuse; that the applicant would like the conversion for his grandson; that the space to be converted to an apartment is presently empty.

Objector Welsh questioned parking, non-pervious surface, basement or ground level, safety issues, overuse, and snow removal issues.

Mr. Foukas testified that he has converted from oil to gas; that there are presently five tenants at the site; that he would like the apartment for his grandson.

Interested party Faber testified that the property abuts her property; that she has no problem with the application.

After a review of the testimony, Comr Louis DeStefano moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution, citing that the applicant bought the property as a four-family and five units is an overuse as well as there is no garbage proposal as recommended by the Board's planner. The motion was seconded by Comr Michael Molner. Voting for denial were Comrs Uri Jaskiel, George Silva, Zalman Gurkov, Scott Sochon, Michael Molner who cited overuse, Louis DeStefano, and Acting-Chrmn Gerard Scorziello who cited no hardship and no positive criteria met. 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.

2. **ROBERT VERA**, 73-75 Fairmount Ave.,
Variance Block 17.10, Lot 4 – RA3 – The applicant is requesting to replace an existing screened-in collapsing back porch with a small 12'x20' deck which requires the following setback:
-rear yard setback proposed at 25' where 35' is required.

The applicant, residing at 73 Fairmount Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Vera testified that that the existing screened-in back porch is collapsing, and he would like to replace it with a 12-foot by 20-foot rear deck; that the rear yard setback requirement is 35 feet, and he is proposing 25 feet; that he is deficient by 10 feet.

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

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

3. **AARON SILVERBERG**, (33)35 Ravona Street, Block 57.07, Lot 8 – RA3 – The applicant is proposing removal of current screened porch and construction of a first floor addition, and a partial second story addition which require the following variances: lot coverage proposed at 28.2% where 27% is required; combined side yard setback proposed at 13.7' where 16' is required.

The applicant, residing at 35 Ravona Street, Clifton, New Jersey, was present and affirmed. Present and sworn on behalf of the applicant was Steven Carrozza, architect, of 62 Newark Pompton Turnpike, Riverdale, New Jersey. There were no objectors.

Comr Zalman Gurkov recused himself from participating, and Comr Uri Jaskiel sat in his place and stead.

Mr. Carrozza testified that the applicant requests approval to remove the existing screened porch and construct a first floor addition and a partial second story addition; variances are required for both side yards, 16 feet required and 13.7 feet proposed and lot coverage 27 percent required and 28.2 percent proposed; he testified as to the zone and the current conditions at the site; that the applicant requires a variance for dual side yards which presently exists; that the applicant requests building lot coverage variance which is de minimis; there is proposed a roof over the front stoop; that there is no increase in the side yard setback variances; that most of the addition is out of the view of the public in the rear.

The applicant stipulated that he would take out the staircase to the basement; that the basement is used for storage, not an apartment.

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 the applicant will remove the staircase to the basement. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello. 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. **ALI ALEMI**, 478 Clifton Avenue,
Use Block 12.01, Lot 20 – B-C – The applicant
Variance; is requesting a use variance to permit
Variance a mixed-use office and one apartment and
 a bulk variance for parking deficiency.

The applicant, residing at 17 Alba Place, Parsippany, New Jersey, was present and sworn. There were no objectors.

Mr. Alemi testified that he is seeking approval for a mixed-use building with an office use on the first floor and an apartment on the second floor; that presently, it is a rundown two-family dwelling; that he works from home and would like to use the first floor as an office; that he is the only employee at the site; that his business is mostly on-line and by appointment only; that the basement and attic are unfinished.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello. 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. **MESIVTA OF CLIFTON, INC.**, 294 Main
Use Avenue, Block 59.10, Lots 1, 3, 29 and 30
Variance; -- B-B – Applicant is requesting relief, if
Variances necessary, from any variances, approvals,
 waivers and/or exemptions from any applicable
 provision of the Municipal Code of the City
 of Clifton necessary for approval of the
 application to demolish 3 existing buildings
 fronting on 294 Main Avenue, Clifton, New
 Jersey, and to replace these buildings with one
 two-story building (15,284 square foot building
 footprint) consisting of classrooms and school
 facilities, and to expand the school dormitory
 which is an existing building at the rear of the
 property and to consolidate all of the lots.
 The property is located in a B-B neighborhood
 Retail Business Zone. The variances sought
 are for the proposed use, maximum lot coverage,
 front yard setback, rear lot setback, building
 height, sideyard setback, parking spaces, and
 parking location, and any and all other variances
 or waivers required for property.

Henry C. Walentowicz, Esq., with offices at 1035 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicants. Present and sworn/affirmed on behalf of the applicant were the following: Richard Bienenfeld, AIA, architect, 271 N. Avenue, New Rochelle, New York; Arthur Kuyan, P.E., engineer of Stonefield Engineering, 92 Park Avenue, Rutherford, New Jersey; John Korak of Stonefield Engineering, a traffic engineer; Frank D. Mileto, AIA, PP, of 14 Beaver Brook Drive, Long Valley, New Jersey, planner; and Rabbi Moshe Halberstadt, 36 Barry Place, Passaic, New Jersey. The

following objectors were present and sworn: Luis Lopez, 51 Homer Street; Beverly and Henry Cholewczynski, 35 Homer Street; Garry and Michelle Gallagher, 44 Homer Street; and Dariusz Oldakowski, 134 Cherry Street, all of the City of Clifton, New Jersey.

The Board is in receipt of reports of Neglia Engineering Associates dated October 28, 2022; and Graviano & Gillis dated December 3, 2022.

Mr. Bienenfeld testified as an architect as to the plans; present conditions at the site; demolition of four existing structures at the site which will be replaced by one building.

Mr. Walentowicz offered the following exhibits:

P-1 diagram of current conditions;

P-2 proposed building;

P-3 diagram of main floor plans;

P-4 site plan dated December 6, 2022.

Mr. Bienenfeld continued to testify, referencing the exhibits; testified as to the proposed uses in the school, classrooms and lecture hall; that the number of students is 140 to 160 students; he addressed the report of the Board's planner, Graviano & Gillis; that the applicant will work with the Board's planner, Nicholas Graviano, regarding revising the façade to traditional with a brick mixture to blend with the elements on Main Avenue; testified as to the height of two stories and 27-30 foot height; that the dorm is in the back.

Objector Henry Cholewczynski stated his concerns regarding the setback to the sidewalk; the bump-out; the reduced visibility of traffic; safety; exit and entrance; speed limit of traffic is 35 MPH now; that the Traffic Safety Council has been receiving concerns from neighbors regarding the speed limit and traffic and safety issues; that he would like to see a decrease in the bump out to increase visibility; increase of impervious surface; significant increase of flooding with development in the area; that in the future, a sealant can be applied to the pervious asphalt; applicant stipulate to maintenance of sanitary sewer; cisterns.

Mr. Kuyan testified as an engineer and addressed the Neglia Engineering report concerns; that the County granted conditional approval.

Mr. Kuyan continued to testify regarding exhibit P-4 and site details; access, egress, parking, location of stalls, front yard, side yard, and rear yard setbacks, lot coverage, asphalt is permeable; lot width, parking in the front yard setback, operations of trash enclosure, screening and landscaping; private hauler as needed; driveways, loading spot; sidewalk, lighting mindful of residents, utilities will comply with the Board's Engineer, Neglia Engineering; drainage, storm water management, water quality; that Passaic County Planning Board approval is required as well as the Hudson, Essex, Passaic Soil Conservation District approval; agreement to comply with Neglia Engineering recommendations; flooding; that runoff will be less with the proposal than now; that the applicant will work to improving any sanitary sewer and drainage failure problems in that the applicant will televise, address and fix any deficiencies; he testified as to delivery trucks and loading docks; that the permeable asphalt will not be sealed; there were no examples in the area of the permeable asphalt.

Objector Gallagher expressed concern about existing problems with flooding; commercial trucks on Homer Street; trucks making turns from the driveway.

Objector Beverly Cholewczynski expressed concern about the size of the building; the footprint; that overuse; the number of students; infringe on visibility; height of building; parking.

Objector Michelle Gallagher questioned the driveway placement.

Mr. Korak testified as a traffic engineer as to the traffic flow and parking components; that it is a secondary school with unique traffic flows; that drop offs and pick ups are staggered; there are low traffic generations; that the students residing on campus do not have vehicles; that the students do not drive; he addressed the setback and exhibit P-4; testified as to site triangles meeting standards of the Passaic County Planning Board; that visibility is not impaired; that parking is sufficient, with no effect on Homer and Cherry Streets; that the speed limit of 35 MPH was approved by the Passaic County Planning Board.

At this point, the Board requested reports from the Clifton Fire Department and Clifton Police Department.

Rabbi Halberstadt testified that most students are from the neighborhood; as to drop off and pick up times; on-site parking is sufficient; that the applicant will remove the bump out in the front as requested by objectors; that the applicant will stipulate no 40 foot tractor trailers; that deliveries can be in 18 foot box trucks; testified as to deliveries for the school; that there are 140 students; that he is allowed 320 students; that he will stipulate as to 140 students and 10 staff members, even though the building can accommodate more students in accordance with Fire Department occupancy standards.

At this point in the hearing, the matter was carried to the January 4, 2023 meeting of the Board.

RESOLUTIONS

1. Upon motion made by Comr Michael Molner, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, and George Foukas, the Resolution DENYING the application of TFJ HAZEL LLC for use variances and bulk variances to erect a three-story mid-rise 54-unit multi-family residential building at 252 Hazel Street and 237 West Third Street, Block 16.11, Lots 1 and 2, was adopted.

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, Louis DeStefano, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of 1041 PAULISON LLC for preliminary and final site plan approval with associated "c" and "d" variances to utilize the site for auto accessories installation garage at 1041 Paulison Avenue, Block 19.03, Lot 8, was adopted.

3. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of MARIA QUINTERO for use variance for an Herb-A-Life store with a kitchen to prepare shakes at 9 Sheridan Avenue, Block 13.05, Lot 16, was adopted.

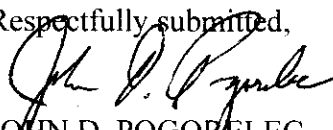
4. Upon motion made by Comr George Foukas, seconded by Comr Zalman Gurkov, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of MOCHA YEMEN CORPORATION for use variance for a café/coffee shop, off-street parking, and approval to close-in rear balcony/patio area at 441 Crooks Avenue, Block 9.04, Lot 20, was adopted.

LEGAL NOTICE FOR 2023 MEETINGS

Upon motion made by Comr Zalman Gurkov, seconded by Comr George Silva, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello, the Legal Notice for the 2023 Clifton Zoning Board meetings was adopted.

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

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF DECEMBER 7, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOHN FOUKAS for premises known as: 339 Piaget Avenue, Block 18.02, Lot 7 be and the same is hereby: DENIED d(1) use variance and d(5) density variance to convert mixed use building to a 5-unit multi-family dwelling.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 7, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests d(1) use variance and d(5) density variance to convert mixed use building to a 5-unit multi-family dwelling at 339 Piaget Avenue, Block 18.02, Lot 7, which premises are located in an RB2 (Residential, one- and two-family residential) zone; and

WHEREAS, the Board has received the following report:

a. Report of Graviano & Gillis Architects & Planners, LLC dated December 3, 2022; and

WHEREAS, the Board has heard testimony from the applicant's expert as follows:

a. Frank D. Mileto, AIA, PP who testified as an architect and planner who testified concerning the present use, the proposed use, the parking, walkway, topography and grading and refuse; and

WHEREAS, the Board has heard testimony from the objectors with respect to density, fire safety, impervious surface, access and egress, parking, and snow removal; and

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

a. The applicant proposes to convert a mixed use building (4 dwellings and 1 office space) into a 5-unit multi-family building;

b. The R-B2 zone district allows residential one- and two-family dwellings and garden apartments but does not permit single-building multi-family dwellings;

c. Garden apartments are a permitted use in the district, but garden apartments require a minimum of two buildings, and this application only has one building;

d. The site is not particularly suited for the proposed use since the minimum lot area per dwelling unit is 2,904 square feet and the applicant is proposing a lot area per dwelling unit of 2,310 square feet and the site cannot accommodate the higher density requested by the applicant;

e. The applicant has failed to satisfy the positive and negative criteria required for the grant of the D(5) density use variance in that the site's ability to accommodate the proposed density has not been met;

f. The number of proposed units represents a gross overuse of the premises;

g. The applicant has not addressed the Board's planner's recommendation that a durable refuse area be provided;

h. With respect to the Master Plan, the Land Use Plan Element, Paragraph No. 5 emphasizes the "establishment of appropriate densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment." The applicant's proposal does not satisfy this specific

goal and objective due to the overuse of the premises.

i. The use variances requested may not be granted without substantial detriment to the public good and a grant of such use variances will impair the intent and purpose of the zone plan and zone ordinance due to the overuse of the premises;

j. Based upon the testimony presented by the objectors, the Board finds that variances cannot be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and zone ordinance;

k. Financial consideration is not a hardship or a special reason;

l. The detriments of the application outweigh the benefits, if any;

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

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

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for d(1) use variance and d(5) density variance to convert mixed use building to a 5-unit multi-family dwelling at 339 Piaget Avenue, Block 18.02, Lot 7, be and the same is hereby disapproved and the application and use variances as aforesaid are hereby denied.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr MICHAEL MOLNER.

Affirmed by: Comrs Uri Jaskiel, George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, and Acting-Chrmn Gerard Scorziello.

MEETING OF DECEMBER 7, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ROBERT VERA for premises known as: 73-75 Fairmount Avenue, Block 17.10, Lot 4 be and the same is hereby: GRANTED rear yard setback variance to construct a rear deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests rear yard setback variance approval to construct a rear deck at premises located at 73-75 Fairmount Avenue, Block 17.10, Lot 4, 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 will replace an existing screened-in collapsing back porch with a 12- by 20-foot rear deck;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 25 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a rear deck at premises located at 73-75 Fairmount Avenue, Block 17.10, Lot 4, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

MEETING OF DECEMBER 7, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **AARON SILVERBERG**
for premises known as: **33(35) Ravona Street, Block 57.07, Lot 8**
be and the same is hereby: **GRANTED** variances for lot coverage and combined
side yard setback to remove current screened porch and construct a first floor
addition and a partial second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 7, 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 first floor addition and partial second floor addition at premises located at 33(35) Ravona Street, Block 57.07, Lot 8, which premises are located in an RA3 zone; and

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

- a. The applicant proposes to construct a first floor addition and a partial second story addition as well as a roof over the front stoop;
- b. The applicant will remove the current screened porch;
- c. Variance is required for lot coverage where 27 percent is required and 28.2 percent is proposed;
- d. Variance is required for combined side yard setback where 16 feet is required and 13.7 feet is proposed which is presently existing at the site;
- e. The applicant has stipulated that he will remove the staircase to the basement;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; 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 remove the current screened porch and construct a first floor addition and a partial second floor addition at premises located at 33(35) Ravona Street, Block 57.07, Lot 8, be and the same is hereby approved and the variances for lot coverage and combined side yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE APPLICANT REMOVING THE STAIRCASE TO THE BASEMENT** 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 MICHAEL MOLNER.

Affirmed by: Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello.

MEETING OF DECEMBER 7, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **ALI ALEMI**
for premises known as: **478 Clifton Avenue, Block 12.01, Lot 20**
be and the same is hereby: **GRANTED** use variance to permit a mixed use building
with office on first floor and one apartment on second floor and bulk variance for
parking deficiency.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance and bulk variance approval to permit a mixed use building with an office on the first floor and one apartment on the second floor at premises located at 478 Clifton Avenue, Block 12.01, Lot 20, which premises are located in a BC zone; and

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

- a. At present, the premises is a rundown two-family dwelling;
- b. The applicant would like an office use on the first floor and to keep the apartment on the second floor;
- c. A use variance is required for mixed use building;
- d. A variance is required for parking deficiency;
- e. The basement and attic are unfinished;
- f. The applicant has shown positive criteria required for the grant of a use variance since the use is particularly suited for the site, and there are many similar-type mixed use structures in the neighborhood;
- g. The applicant has shown sufficient hardship to justify the grant of the bulk variance for parking requested;
- h. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a mixed use building with an office use on the first floor and an apartment on the second floor at premises located at 478 Clifton Avenue, Block 12.01, Lot 20, be and the same is hereby approved and the use variance for mixed use building and bulk variance for parking be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

7. Compliance with the terms of 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 ZALMAN GURKOV.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF DECEMBER 7, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: n/a
for premises known as: n/a
be and the same is hereby: n/a

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby adopts the Legal Notice listing all Clifton Zoning Board of Adjustment hearing dates for the calendar year 2023 as per the annexed Legal Notice.

Resolution moved by: Comr LOUIS DE STEFANO.

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.

LEGAL NOTICE
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON, NEW JERSEY

IN ACCORDANCE with the "Open Public Meetings Law" P.L. 1975, the Clifton Zoning Board of Adjustment files public notice of its regular meetings and the same shall be posted with the Office of the City Clerk, Nancy Ferrigno, and published in The Herald News and The Record.

THE regular meetings of the Zoning Board of Adjustment of the City of Clifton will be held on the following dates at
7 P.M., at the Council Chambers, City Hall, 900 Clifton Avenue, Clifton, New Jersey:

Wednesday, January 4, 2023;
Wednesday, January 18, 2023;
Wednesday, February 1, 2023;
Wednesday, February 15, 2023;
Wednesday, March 1, 2023;
Wednesday, March 15, 2023;
Wednesday, April 5, 2023;
Wednesday, April 19, 2023;
Wednesday, May 3, 2023;
Wednesday, May 17, 2023;
Wednesday, June 7, 2023;
Wednesday, June 14, 2023;
Wednesday, July 19, 2023;
Wednesday, August 16, 2023;
Wednesday, September 6, 2023;
Wednesday, September 20, 2023;
Wednesday, October 4, 2023;
Wednesday, October 18, 2023;
Wednesday, November 1, 2023;
Wednesday, November 15, 2023;
Wednesday, December 6, 2023; and
Wednesday, December 20, 2023.

Meetings subject to Governor's Executive Order allowing for assembly within the building. Should a new Executive Order be given changing allowable assembly within the building, the meeting may have to be a virtual "Zoom" meeting. If that is the case, a notice will be posted at City Hall and on the City website with information on how to participate.

ANY modifications shall be publicized as provided by law. Notice of Special Meetings will be posted at the above locations and published in the official newspapers for the City of Clifton. The public and all interested parties are invited to participate.

Respectfully submitted,

DATED: December 27, 2022.

JOHN D. POGORELEC
COUNSEL and SECRETARY