

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 21, 2022. Chrmn Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: NONE.

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

Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, the Minutes of the December 7, 2022 regular meeting were adopted with the unanimous approval of the entire Board.

REMANDED HEARING

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| 1.
Use
Variance;
Variance;
Site Plan | JOHN RADER , 817-825 Clifton Ave.,
Block 35.06, Lot 16 – B-C – Site plan
approval required to remove the existing
MOONEY AUTO REPAIR GARAGE, to
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. |
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This matter was continued without date.

CONTINUED HEARINGS

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| 1.
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/ |
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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 February 1, 2023 meeting of the Board.

2. Use Variance; Variances	WALBRI PROPERTIES, LLC, 1 & 9 Walnut Street, Block 37.04, Lots 9 and 13 – M2 – An Application for development has been submitted for property located at 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.
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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) feet 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,
Use	Block 43.04, Lot 8 – BC – Preliminary and
Variance;	Final site plan approval; use variance approval;
Variances	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,**
Use 833 Clifton Avenue, Block 35.07, Lot 1
Variance; -- BC – Preliminary and final site plan
Variances 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.

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.

This matter was previously continued by the Board to the January 4, 2023, meeting of the Board.

NEW HEARINGS

1. **LISA RODRIGUEZ**, 309 Brighton Road,
Variance Block 48.03, Lot 10 – RA3 – The applicant
is requesting a 5' solid fence on the northeast
side of the home up to the corner of the
house where 4' 50% open is permitted.

The applicant, residing at 309 Brighton Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she is requesting a 5-foot-high solid fence on the northeast side of the home up to the corner of the house where a 4-foot-high 50% open fence is permitted; that she requests the fence for privacy and security.

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

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

2. **DAVID SEGAL**, 18 Patricia Place, Block 71.01,
Variance Lot 4 – RA3 – Applicant is proposing an
addition to the rear of the home which requires
the following variance: rear yard setback
at 15' where 35' is required.

The applicant, residing at 18 Patricia Place, Clifton, New Jersey, was present and affirmed. Also present was William J. Martin, AIA, PP with offices at 25 Boulevard, Westwood, New Jersey. There were no objectors.

Mr. Martin testified as a planner and stated that the applicant requests variance approval to erect a two-story rear addition; that a variance is required for rear yard setback where 35 feet is required and 15 feet is proposed; that the property is an odd shape which creates a hardship; that there is a cemetery in the rear of the property; that the side yards are staying the same; that the addition is aesthetically pleasing and in conformance with the neighborhood; that the addition is permitted in the zone and will be a benefit to the neighborhood and increase property values; and that there will be no effect on traffic.

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

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

RESOLUTIONS

Chrmn Zecchino announced that the next order of business would be the adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Uri Jaskiel, George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, and Acting-Chrmn Gerard Scorziello, the Resolution DENYING the application of JOHN FOUKAS 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, was adopted.

2. 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 Resolution GRANTING the application of ROBERT VERA for a rear yard setback variance to construct a rear deck at 73-75 Fairmount Avenue, Block 17.10, Lot 4, was adopted.

3. Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, and affirmed by Comrs Uri Jaskiel, George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of AARON SILVERBERG for 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 at 33(35) Ravona Street, Block 57.07, Lot 8, was adopted.

4. Upon motion made by Comr Zalman Gurkov, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of ALI ALEMI for use variance to permit a mixed use building with office on the first floor and one apartment on the second floor and bulk variance for parking deficiency at 478 Clifton Avenue, Block 12.01, Lot 20, was adopted.

ADOPTION OF 2021 ANNUAL REPORT

Chrmn Zecchino announced that the next order of business would be the adoption of the 2021 Annual Report prepared by Graviano & Gillis Architects & Planners, LLC dated December 3, 2022.

After a review of the report, Comr Scott Sochon moved to approve the 2021 Annual Report, with the recommendations as set forth on the first page of the report to the Mayor and Municipal Council of the City of Clifton. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the 2021 Annual Report was adopted.

APPOINTMENT OF ZONING BOARD PROFESSIONALS FOR 2023

Chrmn Mark Zecchino announced that the next order of business would be the appointment of Zoning Board professionals for the year 2023.

1. (a) Counsel Secretary. Comr Michael Molner nominated JACLYN MORGESE, ESQUIRE of CORNELL, MERLINO, MC KEEVER & OSBORNE for the position of Counsel Secretary. There were no other nominations, and Jaclyn Morgese, Esquire, of Cornell, Merlino, McKeever & Osborne was unanimously elected as Counsel Secretary to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term as per

communication dated December 7, 2022, at an hourly rate of \$145.00 per hour and \$1,200.00 per meeting.

(b). Special Counsel for Litigation. Vice-Chrmn Gerard Scorziello nominated JOHN D. POGORELEC, ESQUIRE of JOHN D. POGORELEC, LLC as Special Counsel for Litigation for the presently ongoing lawsuits in the matters of JOHN RADER (DUNKIN DONUTS) and PASSAIC CLIFTON COMMUNITY KOLLEL. There were no other nominations, and John D. Pogorelec, Esquire, of John D. Pogorelec, LLC was unanimously elected as Special Counsel for Litigation to the Zoning Board of Adjustment to complete the ongoing lawsuits in the matters of JOHN RADER and PASSAIC CLIFTON COMMUNITY KOLLEL and for any future litigation matters which occur from time to time for the calendar year 2023, for a one-year term at an hourly rate of \$150.00 per hour.

2. Planner. Comr Scott Sochon nominated NICHOLAS A. GRAVIANO, PP, AICP, JD of GRAVIANO & GILLIS ARCHITECTS & PLANNERS LLC as Planner. There were no other nominations, and Nicholas A. Graviano, PP, AICP, JD of Graviano & Gillis Architects & Planners LLC was unanimously elected as Planner to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term at an hourly rate of \$140.00 per hour as per communication entitled "Letter of Interest" dated November 3, 2022.

3. Engineer. Comr Michael Molner nominated NEGLIA ENGINEERING ASSOCIATES for the position of Engineer. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Engineer to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term as per communication entitled "Neglia Group, 2023 Municipal Hourly Billing Rates."

4. Landscape Architect. Comr Zalman Gurkov nominated NEGLIA ENGINEERING ASSOCIATES for the position of Landscape Architect. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Landscape Architect to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term as per communication entitled "Neglia Group, 2023 Municipal Hourly Billing Rates."

5. Traffic Consultant. Comr Zalman Gurkov nominated NEGLIA ENGINEERING ASSOCIATES for the position of Traffic Consultant. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Traffic Consultant to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term as per communication entitled "Neglia Group, 2023 Municipal Hourly Billing Rates."

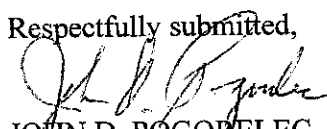
6. Certified Shorthand Reporter. Comr Louis DeStefano nominated LAURA A. CARUCCI, C.S.R., R.P.R., LLC for the position of Certified Shorthand Reporter. There were no other nominations, and Laura A. Carucci, S.S.R., R.P.R., LLC was unanimously elected as Certified Shorthand Reporter to the Zoning Board of Adjustment for the calendar year 2023, for a one-year term as per communication dated November 1, 2022.

Chrmn Zecchino recognized outgoing Comr Louis DeStefano for his excellent service to the Board and thanked him for his service.

Chrmn Zecchino recognized outgoing Counsel Secretary John D. Pogorelec for his 48 years of service to the Board and thanked him for his guidance.

There being no further business before the Board, Comr Louis DeStefano 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 DECEMBER 21, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **LISA RODRIGUEZ**
for premises known as: **309 Brighton Road, Block 48.03, Lot 10**
be and the same is hereby: **GRANTED variance for a 5-foot-high solid fence on the northeast side of the home up to the corner of the house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 21, 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 5-foot-high solid fence at premises located at 309 Brighton Road, Block 48.03, Lot 10, which premises are located in an RA3 zone; and

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

- a. The applicant proposes to erect a 5-foot-high solid fence on the northeast side of the home up to the corner of the house where a 4-foot-high 50 percent open fence is permitted;
- b. The fence is for privacy and security;
- 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 proposed fence will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence at premises located at 309 Brighton Road, Block 48.03, Lot 10, be and the same is hereby approved and the variance for fence height 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 SCOTT SOCHON.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF DECEMBER 21, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **DAVID SEGAL**
for premises known as: **18 Patricia Place, Block 71.01, Lot 4**
be and the same is hereby: **GRANTED** rear yard setback variance to erect a two-story rear addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 21, 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 to erect a two-story rear addition at premises located at 18 Patricia Place, Block 71.01, Lot 4, 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 erect a two-story rear addition;
- b. A variance is required for a rear yard setback of 15 feet where 35 feet is required;
- c. The property is an odd shape and abuts a cemetery in the rear;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that based on the testimony presented, the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a two-story rear addition at premises located at 18 Patricia Place, Block 71.01, 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 MICHAEL MOLNER.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby adopted the 2021 Annual Report dated December 3, 2022, prepared by GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, and instructs the Counsel Secretary to forward same with recommendations set forth on the first page to the Mayor and Municipal Council of the City of Clifton.

Resolution moved by: Comr SCOTT SOCHON.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF DECEMBER 21, 2022.

2023
RESOLUTION APPOINTING
JACLYN MORGESE, ESQ. OF
CORNELL, MERLINO, MC KEEVER & OSBORNE
AS COUNSEL SECRETARY FOR THE
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF CLIFTON

WHEREAS, the Zoning Board of Adjustment requires legal counsel and secretary to attend all meetings, take the Minutes of said meetings, prepare the proper Resolutions, prepare Legal Notices, and render legal opinions to the Board; and

WHEREAS, the Zoning Board is desirous of appointing Jaclyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne as its Counsel Secretary and entering into a contract with her for her services as an independent contractor; and

WHEREAS, the members of the Zoning Board are of the opinion that the said Counsel Secretary should be compensated for her attendance at all Zoning Board meetings at a regular salary and that she should also be compensated for the additional and extra legal services in defending the Zoning Board in lawsuits filed against it and preparing deed restrictions as directed by the Zoning Board and attending special meetings called by the Zoning Board to be compensated by applicants through the escrow ordinance; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED that in compliance with N.J.S.A. 40A:11-1 et seq., the Zoning Board of Adjustment of the City of Clifton does hereby appoint Jaclyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne as its Counsel Secretary, to attend all regular meetings scheduled by the Board, prepare the Minutes and Resolutions, prepare all Legal Notices, and handle all correspondence of the Board; and

BE IT FURTHER RESOLVED that the said Jaclyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne, be and she is hereby appointed defense counsel in all actions filed in the Superior Court, Law Division, Appellate Division, and the Supreme Court where the Board denies the relief requested to the applicant, and the applicant challenges the decision of the Zoning Board of Adjustment; and

BE IT FURTHER RESOLVED that whenever the Zoning Board of Adjustment of the City of Clifton schedules special meetings, it shall require applicants to post sufficient escrows to pay the cost of the Counsel Secretary for preparation of the Agenda, attendance at the meeting, and drafting of the Minutes; and

BE IT FURTHER RESOLVED that the said Jaclyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne is authorized to prepare deed restrictions imposed by the Board at the expense of the applicant and file same with the Passaic County Clerk, Registry Division; and

BE IT FURTHER RESOLVED that the said Jaclyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne shall be entitled to be compensated at the rate of ONE THOUSAND TWO HUNDRED (\$1,200.00) DOLLARS for each regular meeting

scheduled by the Board; the sum of ONE HUNDRED FORTY-FIVE (\$145.00) DOLLARS per hour for the time expended in defending lawsuits on behalf of the Zoning Board as aforesaid; and attending special meetings called by the Board, to be paid by the applicant from an escrow fund deposited with the City of Clifton; and

BE IT FURTHER RESOLVED that the Chairman and Vice-Chairman were hereby authorized and directed to execute the agreement to be prepared with Jacklyn Morgese, Esq., of Cornell, Merlino, McKeever & Osborne; and

BE IT FURTHER RESOLVED that a copy of the Notice of Contract Award referencing this Resolution be published once in The Herald News in accordance with N.J.S.A. 40A:11-1 et seq. and the Resolution and Contract shall be on file and available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A-11-5 (1)(e) of the Local Public Contracts Law because the contract is for services performed by a person authorized by law to practice a recognized profession that is regulated by law.

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr

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

MEETING OF DECEMBER 21, 2022.

2023
RESOLUTION APPOINTING
JOHN D. POGORELEC, ESQ.
AS SPECIAL COUNSEL FOR LITIGATION FOR THE
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF CLIFTON

WHEREAS, John D. Pogorelec, Esq., retired as legal counsel and secretary to the Zoning Board of Adjustment of the City of Clifton; and

WHEREAS, at the time of his retirement, there were two outstanding litigation matters, to wit:

a. JOHN RADER V. CITY OF CLIFTON ZONING BOARD OF ADJUSTMENT, Superior Court of New Jersey, Law Division, Passaic County, bearing Docket No. PAS-L-000309-21 (DUNKIN DONUTS), 817-825 Clifton Avenue, Block 35.06, Lot 16, which application was denied by the Board on December 2, 2020; and

b. PASSAIC-CLIFTON COMMUNITY KOLLEL CONGREGATION V. CITY OF CLIFTON ZONING BOARD OF ADJUSTMENT, Superior Court of New Jersey, Law Division, Passaic County, bearing Docket No. PAS-L-001694, 409-411 Main Avenue, Block 59.03, Lot 17, which application was denied by the Board on May 18, 2022; and

WHEREAS, the Zoning Board is desirous of appointing John D. Pogorelec, Esq., as Special Counsel for litigation to continue to defend the Board in the aforesaid litigation and any future litigation matters which occur from time to time; and

WHEREAS, the members of the Zoning Board are of the opinion that the said Special Counsel for litigation should be compensated for his defense of the actions taken by the Board; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that the Resolution authorizing the award of contracts for professional services without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED that in compliance with N.J.S.A. 40A:11-1 et seq., the Zoning Board of Adjustment of the City of Clifton does hereby appoint John D. Pogorelec, Esq., as its Special Counsel for litigation to defend the two matters set forth herein; and

BE IT FURTHER RESOLVED that the reasons for such appointment are that he has served the Board as Counsel Secretary since 1975; that he is familiar with the record established before the Board; that he is familiar with any particular evidence issues for these matters; and that he has provided legal counsel to the Board in making its decisions; and

BE IT FURTHER RESOLVED that the said John D. Pogorelec, Esq., shall be compensated at the rate of One Hundred Fifty (\$150.00) Dollars per hour for the time expended defending the aforesaid lawsuits and any other lawsuits on behalf of the Zoning Board; and

BE IT FURTHER RESOLVED that the Chairman and Vice-Chairman were hereby authorized and directed to execute the agreement to be prepared with John D. Pogorelec, Esq.; and

BE IT FURTHER RESOLVED that a copy of the Notice of Contract Award referencing this Resolution be published once in The Herald News in accordance with N.J.S.A. 40A:11-1 et seq. and the Resolution and Contract shall be on file and available for public inspection in the office of the Municipal Clerk; and

BE IT FURTHER RESOLVED that this Contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40A-11-5 (1)(e) of the Local Public Contracts Law because the contract is for services performed by a person authorized by law to practice a recognized profession that is regulated by law.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr

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

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, as its Planner for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023 for a one-year term as per the annexed letter dated November 3, 2022, from Graviano & Gillis Architects & Planners, LLC; and to prepare the Annual Report for the Board for 2022.

Resolution moved by: Comr SCOTT SOCHON.

Seconded by: Comr

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



graviano & gillis architects & planners, llc

p.o. box 3341

long branch, nj 07740

tel: 732.816.4151

web: <http://graviano.com>

November 3, 2022

City of Clifton
Zoning Board of Adjustment
c/o Mark Zecchino, Chairman
900 Clifton Avenue
Clifton, NJ 07013

RE: Letter of Interest
Consulting Planner – City of Clifton Zoning Board of Adjustment

Dear Chairman Zecchino:

Please accept this letter of interest for the consulting planner position for the City of Clifton Zoning Board of Adjustment. Attached is a background of our experience and qualifications. Please feel free to contact our office with any questions. It was a pleasure serving the Board in 2022 and I hope to serve again in 2023. My hourly rate for 2023 will be unchanged at \$140.00 per hour.

Thank you,

Nicholas A. Graviano, PP, AICP, JD
Graviano & Gillis Architects & Planners, LLC

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES as its Engineer for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023 as per the annexed Neglia Engineering Associates 2023 Municipal Hourly Billing Rates for a one-year term.

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr

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

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023 as per the annexed Neglia Engineering Associates 2023 Municipal Hourly Billing Rates for a one-year term.

Resolution moved by: Comr ZALMAN GURKOV.

Seconded by: Comr

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

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES as its Traffic Consultant for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023 as per the annexed Neglia Engineering Associates 2023 Municipal Hourly Billing Rates for a one-year term.

Resolution moved by: Comr ZALMAN GURKOV.

Seconded by: Comr

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



EXPERIENCED
DEDICATED
RESPONSIVE

negliagroup.com

NEGLIA GROUP
2023 MUNICIPAL
HOURLY BILLING RATES

PRINCIPAL	\$199.00
SENIOR ENGINEER / SENIOR MANAGER/SR. PROF. PLANNER	\$195.00
PROFESSIONAL ENGINEER / PROJECT MANAGER	\$190.00
SENIOR DESIGN ENGINEER	\$175.00
DESIGN ENGINEER/ENVIRONMENTAL SCIENTIST	\$165.00
ENGINEERING ASSISTANT	\$105.00
PROFESSIONAL PLANNER	\$195.00
PROFESSIONAL LANDSCAPE ARCHITECT	\$175.00
LANDSCAPE DESIGN	\$135.00
COMPUTER AIDED DESIGNER	\$135.00
CONSTRUCTION MANAGER	\$160.00
RESIDENT ENGINEER	\$190.00
TECHNICAL OBSERVER	\$135.00
PROFESSIONAL SURVEYOR / PROJECT MANAGER	\$180.00
SURVEY PROJECT MANAGER	\$165.00
3 MAN SURVEY CREW	\$255.00
2 MAN SURVEY CREW	\$215.00
1 MAN SURVEY CREW (GPS AND EQUIPMENT)	\$195.00
CERTIFIED WETLAND DELINEATOR	\$195.00
LICENSED COLLECTION SYSTEM OPERATOR	\$180.00
DRONE PILOT AND VISUAL OBSERVER	\$230.00
DRONE EDITOR	\$165.00
GIS MANAGER	\$175.00
GIS SPECIALIST	\$155.00
GIS TECHNICIAN	\$105.00
REIMBURSABLE EXPENSES	
PAPER PRINTS (All Sizes)	\$ 4.00/sheet
MYLARS	\$30.00/sheet
COLOR PRINTS -	\$65.00/sheet
PHOTOCOPIES (Black & White)	\$.25/page
PHOTOCOPIES (Color)	\$.40/page
MILEAGE (Federal Standard Milage Rate)	\$.6250/mile
SUB-CONSULTANTS	10% administrative fee

Notes:

1. Expert testimony for deposition or trial is billed at 1½ standard billing rate.
2. Labor billings include miscellaneous direct costs such as telephone calls, faxes, copying and postage. No charges are levied for use of computers, plotters, or CAD systems.
3. After hour and Holiday Call Outs
 - a. 7:00pm to 5:00am - 1.5 times the hourly rate and a 4 hour minimum
 - b. Holidays - 2 times the hourly rate and a 4 hour minimum
4. Reimbursable expenses are subject to change annually based on industry fluctuation.

LYNDHURST

34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p. 201.939.8805 f. 201.939.0846

MOUNTAINSIDE

200 Central Avenue
Suite 102
Mountainside, NJ 07092
p. 201.939.8805 f. 732.943.7249

MEETING OF DECEMBER 21, 2022.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints LAURA A. CARUCCI, C.S.R., R.P.R., LLC as its Certified Shorthand Reporter for the Zoning Board of Adjustment for the City of Clifton for the calendar year 2023 for a one-year term as in accordance with communication dated November 1, 2022, annexed hereto.

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr

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

LAURA A. CARUCCI, C.S.R., R.P.R., L.L.C.
CERTIFIED COURT REPORTERS
P.O. BOX 505
SADDLE BROOK, NJ 07663
201-641-1812
201-843-0515 FAX
LauraACaruccillc@gmail.com

November 1, 2022
City of Clifton
Zoning Board of Adjustment
900 Clifton Avenue
Clifton, New Jersey 07613
Attn: Chairman Zecchino, Vice Chairman Scorziello and Board
Members

Re: Professional Certified Court Reporting Services for 2023

Dear Chairman, Vice Chairman and Board Members:

Just a quick note to wish you well this holiday season and to thank you for allowing us to be of service. I am pleased you have placed your confidence in my professional service again this year.

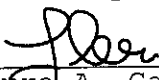
I have been serving the Board and the City of Clifton for many years. I would request an increase to my fee schedule from \$260.10 per meeting to \$275.00 per meeting which will match the fee amount the City of Clifton Planning Board approved for my services for 2021.

My rates for 2023 are, again, an appearance fee for regular meetings \$275.00 from 7:00 p.m. - 10:30 p.m.

My rates for 2023 for appearance fee for special meetings I would request an increase from \$350.00 to \$375.00 from 7:00 p.m. - 10:00 p.m. Overtime at Special Meetings will be charged at \$50.00 per every half hour or part thereof after 10:00 p.m.

If the Board has any questions, please do not hesitate to call my office. I wish to thank the Board in advance for your consideration in this matter.

Sincerely,


Laura A. Carucci, CCR, RPR