

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, November 15, 2023. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applications 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. DAVID BRAID, ALESSIA ERAMO, MAUREEN O'CONNOR , SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR. ZALMAN GURKOV.

Chrmn Zecchino advised all applications 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.

EXECUTIVE SESSION

Chrmn Zecchino stated that the next order of business would be that the Board would enter into an Executive Session in accordance with Section 8 of the Open Public Meetings Act, P.L. 1975, c. 231 in order to discuss matters pertaining to litigation and attorney client privilege.

Thereafter, at 6:45 p.m. upon motion made by Comr. Michael Molner, second by Comr. Scott Sochon, the Board recessed to Executive Session for consideration of issues dealing with litigation and attorney-client privilege. No formal action was taken. Minutes for the Executive Session may be released to the public after the reasons for non-disclosure no longer exist.

EXECUTIVE SESSION

6:45 p.m. – 7:15 pm

At 7:25 p.m., the Board reconvened in public session upon a Motion by Comr. Scott Sochon and a Second by Comr. Maureen O'Connor. All members listed above were present following the return to public session.

REMANDED HEARING

1.
Use Variance;
Variance;
Site Plan
**(CONTINUED TO
11/15/2023)**

JOHN RADER, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – The Application was previously heard and denied by the Board in 2020. Following an appeal to the New Jersey Superior Court, Law Division, Docket No, PAS-L-309-21, the Superior Court reversed the December 2, 2020 decision of the Board and remanded the matter back to the Board for additional proceedings. The Applicant has modified the previously submitted plans. 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, 2021 – COURT-ORDERED REMAND.

Daniel L. Steinhagen, Esq., of Beattie Padovano LLC, with offices at 200 Market Street, Suite 401, Montvale, New Jersey 07645, appeared on behalf of the applicant. Present on behalf of the applicant, and sworn to give testimony were the following individuals: Gary Kliesch, gk+a Architects, 36 Ames Avenue, Rutherford, New Jersey, an architect; Matthew Seckler of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, a traffic engineer; and Keenan Hughes, Phillips Preiss, Planning & Real Estate Consultants, 70 Hudson Street, Hoboken, New Jersey, a planner.

Dominic Iannarella, Esq., 139 Lakeview Avenue, Clifton, NJ appeared on behalf of interested party, Boys and Girls Club of Clifton, which is the Property across the street.

Timothy Kowal, 805 Clifton Ave, appeared as an Interested Party.

Vice Chairman Gerard Scorziello recused himself from this application.

This Application was previously heard before the Board during its August 19, 2020; September 16, 2020; October 21, 2020; November 18, 2020; and December 2, 2020 meetings. On December 2, 2020, the Board voted to deny the application. The Applicant subsequently appealed the Board's denial to the Superior Court of New Jersey, Law Division under docket number PAS-L-309-21. The Superior Court of New Jersey, Law Division reversed the denial of the Board by Order entered on August 13, 2022 and remanded the Application back to the Board of Adjustment for further proceedings. Following remand, the Application was heard before the Board during its May 3, 2023 and September 6, 2023 meetings.

The Board is in receipt of Remanded Hearing Engineering Review No. 2 dated April 20, 2023 and Revised September 5, 2023 and Remanded Hearing Planning Review dated April 26, 2023 issued by Neglia Engineering.

In advance of tonight's meeting, the Board received a revised site plan and correspondence from Mr. Steinhagen dated November 3, 2023. Such correspondence outlines an alternative layout for the proposed development related to the prior discussion regarding the second drive-through lane. Also provided are transaction data for the subject property.

Mr. Steinhagen stated that during the last meeting, Chrmn Zecchino suggested elimination of the second drive through lane. AS a result of that discussion, the applicant has revised his site plan to eliminate the second drive through lane.

Gary Kliesch offered architectural testimony regarding to the revised Proposed Site Plan. The date of the revised site plan is 10.30.2023. The grading plan would not change, and landscaping would increase. The proposal is to follow this plan and, if acceptable, provide all supporting documentation to ensure compliance with all comments.

Mr. Kliesch offered the following exhibits:

Exhibit A-2 – Alternate Proposed Site Plan

Exhibit A-2 removes the proposed second drive through lane in order to increase the buffer in the rear of the property to 10 feet, which is in compliance with the ordinance. The fence in the rear will also be moved. There will also be a sound wall installed, but this requires a variance because it is not 50% open. By eliminating the second drive through, the drive aisle is also expanded. The single drive through lane will ensure 14 car stacking. The handicap spots were moved deeper into the property and remain on an angle. There are 14 total parking spaces provided, which exceeds the 13 spots required. There will be approximately 19 feet between the parking spaces and the drive through lane. A striped walk way will also be created in two places. A crosswalk is also provided across Clifton Avenue. The landscape area is increased by 3.7% pervious coverage.

Mr. Kleisch testified that there will be a 20% reduction in impervious coverage from what currently exists on the site. Mr. Kleisch testified that there is sufficient space for a truck to maneuver on the site. Previously, he believed the space was tight but now he has widened the drive lane and is comfortable with the improvement. The menu board is positioned in an area which is in compliance with the ordinance. He addressed the fencing and sound wall. He acknowledged that the ordinance requires a 50% open fence, but indicated that he believes that a fully closed fence would be more beneficial to the adjacent neighbors for purposes of light shading and sound protection.

Comr. Molner asked if the drive through will continue to be 24 hours. Mr. Steinhagen stated that the applicant was willing to stipulate as a condition of approval that the drive through window would only be open 5 am to 11 pm, 7 days per week.

Comr. Eramo asked about online orders. Mr. Kleisch stated that on line order can come into the store or enter into the drive through.

Dominic Iannarella, Esq., on behalf of Interested Party Boys & Girls Club, asked about handicapped spot distance from the drive aisle. Mr. Kleisch stated it is 18 ft 10 in away.

Matthew Seckler provided traffic engineering testimony. Mr. Seckler provided testimony regarding transaction data in light of the revised plan. He testified that the proposed plan is adequate in light of the traffic transactions. He stated that DOT requires a minimum of 10 car stacking on high ways. He stated that this exceeds that requirement even though the site is not located on a highway.

Brian Intindola, of Neglia Engineering, stated that the applicant should provide the crosssection information to verify that the fence is engineered to perform as a sound wall. Mr. Intindola stated that lot area and lot depth are insufficient, but all other setbacks and parking requirements are being met. He asked for the applicant to provide some input regarding traffic backing out into the roadway, and whether Mr. Seckler is comfortable that the geometry will work in this area. Mr. Seckler stated he visited the Van Houten site. He explained that the Van Houten site has a shorter queue and a side street is utilized. He explained that this site will operate better because of the larger queue and the larger drive laned.

Mr. Steinhagen stated that the applicant is willing to stipulate, as a condition of approval, to provide all information regarding any Neglia inquiries, including the sound wall.

Mr. Intindola noted that there will be a high likelihood of interaction between the site and high school students because of the sites proximity to Clifton High School, which is one of the largest high schools in the State. He recommended that the Board be mindful of the high pedestrian traffic in the area.

Keenan Hughes provided planning testimony. He stated that there is a d(3) use variance. He gave an overview of the site currently. He stated that the site is nearly 100% impervious coverage in its current form. He explained that the B-C zone permits fast food restuarants as a conditional use. There are two pre-existing non conformities which will not change. They are lot depth and width. These variances apply to fast food restaurants, and not the drive through. He explained the legal threshold and provided testimony regarding the positive and negative criteria. He stated that the proposed site plan eliminates a non-conforming use by eliminating the auto repair garage. The site will also be improved visually by increasing landscaping. Traffic flow will be improved by eliminating obstructions in the right of way. The drive through facility will result in lesser transaction activity on the site, as other uses including the auto garage will be eliminated. Mr. Hughes stated that there will be a reduction in the coverage on the site. These benefits can be achieved despite the lot depth and lot coverage.

Mr. Hughes provided testimony regarding the negative criteria. He stated that there will be measures taken to eliminate light and sound spillage, eliminating obstructions in the right of way. He stated that the application can be granted in furtherance of the MLUL and Clifton Zoning Plan. He stated that the site can accommodate this use. He stated that the applicant is going above and beyond accommodating the requirements of the ordinances and zone plan.

Mr. Hughes provided testimony regarding how the drive through furthers the master plan.

Mr. Hughes provided testimony regarding the legal standard for the two bulk variances requested for parking in the side yard setback.

Mr. Hughes provided testimony regarding the rear fence. He stated that, in his opinion, granting the fence variance to permit a 100% closed fence will assist with the reduction of light and sound to the neighboring properties. He stated that this is a better planning and zoning alternative than a 50% open fence. The same rationales apply equally to an 8 foot fence.

Chrmn Zecchino asked about the obtrusiveness of an 8 ft vs 6 ft fence. Mr. Hughes stated that a 6 ft fence is a better solution but defers to the Board's preference.

Interested party Timothy Kowal provided a statement in opposition. He explained that the testimony provided by the traffic study are inadequate because of the length of the time of the study and the time of the study. He stated that this application would undoubtedly increase already high traffic at peak times. He stated that trash and pollution is an issue already in the area. He also addressed noise and loitering. He addressed prior testimony regarding the drive through. He expressed concern over existing issues on the property.

Dominic Iannarella, Esq., provided a closing statement on behalf of the Boys and Girls Club. He explained that the Club is objecting on the basis of safety to the kids. He explained that there is a high volume of children and families in the area. He addressed the governing law for conditional use applications. He stated that the site must be adequate in spite of deviations from the ordinance. He commended the applicant for revising his plan to attempt to improve the drive flow, but expressed that by their nature there are parking spaces which will back into the drive aisle with oversized cars. Mr. Iannarella described his personal experience of the site during the afternoon. He explained that adding the drive through and 14 queued cars would only exacerbate the problems in this site.

Mr. Steinhagen offered a closing statement. He stated that the application is a conditional use. He stated that the law does not permit the Board to consider outside traffic only as a result of a deviation from the ordinance. He explained that the applicant provides 40% more queued spaces than what is required by the DOT. He stated that the building and drive aisles are not too close to the rear of the property. He states that there is parking close to the lot line, but it currently exists in this manner. He stated that the proposal would improve this. He stated that the site can accommodate the deviations. He stated that the applicant has attempted to accommodate all requests of the Board.

After a review of the testimony, Comr. George Foukas moved to deny the application on the grounds that it exacerbates volume and traffic in the area, overuse of the property, over concerns of pedestrian traffic, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Michael Molner. Voting in favor of the Motion to deny the application were Comrs. David Braid, Alessia Eramo, citing the need for traffic studies over longer periods and the fact that the site is in a residential area, Maureen O'Connor, Scott Sochon, who commended the applicant for making changes but cited the volume of pedestrian traffic, Michael Molner, who cited concern over noise, a recent ordinance issued by the City, and underestimating pedestrian traffic, George Foukas, and Chrmn Mark Zecchino, who commended the applicant for attempting to make changes, and expressing concerns over pedestrian traffic. 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.

CONTINUED HEARINGS

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| 1.
Variances; Use
Variance; Site
Plan | GEELAND, LLC
Michael D. Sullivan, Esq.
(CONTINUED TO 12/06/2023) | 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2 –
The applicant proposes to raze the existing commercial building and construct a 4-story 125,200 sq ft self storage facility, parking, lighting, landscaping, stormwater management, and related site improvements. The applicant seeks relief as follows: 1. A variance pursuant to N.J.S.A. 40:55D-70d(1) to permit a self-storage facility use which is not a permitted use in the R-A2 Zone District contrary to Section 461-13.1.C. 2. A variance pursuant to N.J.S.A. 40:55D-70d(6) to permit building height of 39.8 feet where a maximum of 30 feet is allowed pursuant to Section 461 Attachment 1. 3. A variance pursuant to N.J.S.A. 40:55D-70c to permit a 4-story building where a maximum of 2 stories is allowed pursuant to Section 461 Attachment 1. 4. A variance pursuant to N.J.S.A. 40:55D-70c to permit 14 parking spaces where a minimum of 67 parking spaces are required pursuant to Section 461-60.1.A. 5. A variance pursuant to N.J.S.A. 40:55D-70c to permit 2 loading spaces where a minimum of 13 loading spaces are required pursuant to Section 461-60.1B. 6. A variance pursuant to N.J.S.A. 40:55D-70c to permit a ground sign 2 feet from the right-of-way line where a minimum of 30 feet is required pursuant to Section 461-55.C. The applicant seeks such other approvals, variances, waivers or design exceptions that may be deemed necessary. |
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Upon request of the attorney for the applicant, this matter was continued until the February 7, 2024 meeting of the Board with no further notice required and all other requirements tolled until said date.

NEW HEARINGS

1. **MO SALMAN** 15 Priscilla St., Block 40.01, Lot 35 – RA2- The
Variance applicant is requesting to expand driveway curb cut
which requires the following variance; proposing to
expand to 17' where 12' is permitted.

The applicant, residing at 15 Priscilla St., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant would like to expand his driveway. He stated that there is ample space on the street, but he wants to fit two cars in the driveway. He applied the expand the driveway and received approval, but the curb cut was not expanded. This creates potential damage to his car. His neighbors and other cars in the neighborhood have two car parking. He explained that a narrow curb also creates a narrow turning radius.

Comr. Foukas asked if the applicant bought the house this way. The applicant confirmed that he did.

After a review of the testimony, Comr. George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Maureen O'Connor. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

2. **MORDECHAI &** 30 Woodward Ave., Block 50.09, Lot 5 – RA2
Variance **BLIMA**
HALBERSTAM The applicant is proposing an addition and renovations
which require the following variances; side yard
setback proposed at 4.64' where 6' required, combined
yard setback proposed at 11.66' where 16' is required,
lot coverage proposed at 33.6% where 30% required, 6'
setback required for AC condenser where 3.5'
proposed, conversion of part of existing garage as
living space, and parking variance for one off street
parking space where two spots required.

The applicant, residing at 30 Woodward Ave., Clifton, New Jersey was present and sworn. Interested Party Peggy Salierno, 15 Woodward Ave, was present and sworn.

Comr. George Foukas recused himself from this application.

The applicant stated that their kitchen is very small and they want to be able to expand that area with a rear addition. The addition is one story. The addition will be in line with the garage line.

Comr. Eramo asked about the AC condenser variance and its location. Assistant Zoning Officer Bolcato pointed out the location.

Interested Party Peggy Salierno stated that she did not receive notice. Ms. Bolcato stated that the applicant stated the applicant provided a signed certification that they provided all required notices via the requirements by the Board. Ms. Salierno also expressed concern regarding flooding and runoff.

The applicant stated he did not believe they are increasing impact on the sewer system.

Comr. Eramo asked about the parking variance and whether the garage is being converted to living space. The applicant stated that he did not believe that the garage is being entirely converted, but that a powder room is being placed in the rear of the garage. The applicant stated that he can fit one car in front of the garage. Ms. Bolcato clarified that with the addition of the powder room there will not be room in the garage for a car, but the front side will be storage.

Both the objector and the applicant made a closing statement.

As a condition of approving the property, the Board instituted the following stipulations:

1. Bollards will be installed in the interior wall separating the storage area and the living area to prevent a car from driving into living space.

After a review of the testimony, Comr. Scott Sochon moved to approve the application with the noted stipulations, on the grounds that the variances are minimal , and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. David Braid. Voting in favor of the Motion to approve the application were Comrs. David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

3. Variance	MEIR KANIEL Matthew Trella, Esq.	174 Rutherford Blvd., Block 60.09, Lot 35 – RA3 The applicant is proposing a second-floor addition and covered front stoop which requires the following variances: side yard setback proposed at 5.77' where 6' is required, combined side yard setback proposed at 12.17' where 16' is required, lot coverage proposed at 29.3% where 27% is required, front yard setback proposed at 23.13' where 25' is required, conversion of part of an existing garage to living space, and covered front stoop setback proposed at 16.72' where 21' is required and a maximum width of 8' where 9' being proposed.
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Matthew Trella, Esq., with offices at 1135 Broad St., Clifton, New Jersey, appeared on behalf of the applicant. Also present and sworn were: George Held, of Held & Associates, 600 Getty Ave., Suite 307, Clifton, New Jersey, an architect. There were no objectors.

Chrmn Zecchino stated that this application was previously before the Board and requested that Mr. Trella provide testimony regarding res judicata and substantial changes.

George Held provided testimony regarding the changes and why they are substantial. The laundry room has been eliminated, as well as the front and rear dormers.

Comr. George Foukas moved to grant the applicant's request to be heard. Comr. Michael Molner seconded the motion. Voting in favor of the Motion to hear the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was heard.

Mr. Held provided testimony that the applicant is constructing a second floor addition. The applicant will not increase the footprint of the home. The second floor will include four bedrooms and two bathrooms and access to attic space.

The variances requested include: front yard setback proposed at 23.13' where 25' is required; side yard setback proposed and existing at 5.77' where 6' is required; combined side yard setback proposed and existing at 12.17' where 16' is required; and lot coverage proposed at 29.3% where 27% is required. Also requested are variances related to the front stoop enclosure of 9 feet where 8 feet is permitted.

Mr. Held offered the following exhibits:

Exhibit A-1 – Aerial View of Street and Neighborhood

After a review of the testimony, Comr. Scott Sochon moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Maureen O'Connor. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

4. **BHARAT RANA** 60 Belmont Ave., Block 70.02, Lot 65 – RA3
Variance Matthew Trella, Esq. The applicant is proposing addition and alterations to the single family home which require the following variances; rear yard set back proposed at 27.2' where 35' required, side yard setbacks proposed at 4.6' & 5.1' where 6' required, combined side yard setback proposed at 9.7' where 16' required, lot coverage proposed at 32.76% where 27% required, and intersecting gable roofs creating a 3rd story where 2 stories permitted.

Matthew Trella, Esq., with offices at 1135 Broad St., Clifton, New Jersey, appeared on behalf of the applicant. Also present and sworn were: George Held, of Held & Associates, 600 Getty Ave., Suite 307, Clifton, New Jersey, an architect.

Interested Parties Donna and Kenneth Chipura, 64 Belmont Ave, were present and sworn.

Mr. Held offered a summary of the site and the proposed modifications. The applicant proposes an addition to the rear of the home. The addition will be on both the first floor and the second floor. There will be bedrooms, office space, and direct access to the garage created. The addition is 678 sq ft split between two floors.

Mr. Held provided testimony regarding variances. The applicant requests the following variances: rear yard set back proposed at 27.2' where 35' required; side yard setbacks existing and proposed at 4.6' & 5.1' where 6' required; combined side yard setback proposed at 9.7' where 16' required, lot coverage proposed at 32.76% where 27% required, and intersecting gable roofs creating a 3rd story where 2 stories permitted. Mr. Held stated that the manner in which the roof is constructed creates a non-habitable space. He stated that it is nothing more than storage within the attic. He stated that the roof is no where near the height maximum

Mr. Held offered the following exhibits:

Exhibit A-1 – Aerial View of Street and Neighborhood

Mr. Held stated that many homes in the area have rear additions and the proposed addition is of the kind and type of those in the area. Mr. held testified that there would be no negative impact to the neighborhood.

Comr. Eramo asked about the side yard setback. Mr Held stated that the side of the existing structure will be moved straight back and there is no further encroachment into the side yard setback.

Comr. Molner asked about the rear yard enclosure and why it doesn't encroach. He explained that the roof may create the need for a rear yard setback variance. Mr. Held stated that the roof could be removed. Ms. Bolcato stated that it would be an encroachment in the rear yard setback. Mr. Trella stated that the roof would be removed.

Interested Parties Donna and Kenneth Chipura asked if the full third story would encroach on the view of their rear skylight. Mr. Chipura expressed concern if the third story would look into their property via the sky light. Mr. Chipura stated that there is 11.3 feet between both properties. Mr. Held explained that the proposed change complies with the rear setback requirements. He stated that the roof will be slanted away from their property and adjoining the existing roof.

Ms. Chipura also stated that a second floor window will be facing her property. She is concerned that it will overlook her sky light. The window is in the study. The applicant is willing to remove the window.

Mr. and Ms. Chipura asked about the basement and excavated soil, and drainage, and the location of the dumpster and parking of the construction crew. Mr. Held stated that the soil will be moved off site, and that the roof will connect to drainage system in the front of the home into the street. He also stated it will be a full basement. Mr. Held stated that the dumpster will likely be in the driveway and the construction crews will park where they can.

As a condition of approving the property, the Board instituted the following stipulations:

1. Rear roof shall be removed; and
2. The west window in the second floor study shall be removed.

After a review of the testimony, Comr. Michael Molner moved to approve the application with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice Chrmn Gerard Scorziello. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes

5. Variance	MARC SCHWAB Dominic Iannarella, Esq.	111 South Parkway, Block 60.10, Lot 1 – RA3 The applicant is proposing a two-story addition which requires the following variances; left side yard setback proposed at 4.7' where 6' required, combined yard setback proposed at 14.7' where 16' required, maximum lot coverage proposed at 32.6% where 27% required, 20' curb cut proposed where 12' required, driveway in front of house not serving a garage, 3.5' buffer to driveway where 5' required, outside stairway stoop 9.4' wide where 8' wide required and any other variances that may be required.
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Dominic Iannarella, Esq., with offices at 139 Lakeview, Ave., Clifton, New Jersey, appeared on behalf of the applicant. The applicant also appeared and was affirmed. There were no objectors.

Mr. Iannarella provided an overview of the proposed addition. The addition is two stories and requires the following variances: left side yard setback proposed at 4.7' where 6' required, combined yard setback proposed at 14.7' where 16' required, maximum lot coverage proposed at 32.6% where 27% required, 20' curb cut proposed where 12' required, driveway in front of house not serving a garage, 3.5' buffer to driveway where 5' required, outside stairway stoop 9.4' wide where 8' wide required.

The applicant's family is growing and the house is in need of improvements and upgrades. Currently the property is in need of repair. Mr. Iannarella stated that the requested variances are de minimus deviations. The applicant is installing bollards in the garage area which is reflected in the plans. The garage door will not open and is for visual effect only.

After a review of the testimony, Comr. Scott Sochon moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Maureen O'Connor. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

6.
Use Variance;
Variance;
Site Plan

**CLIFTON
RAILROAD
CORP.**

Benjamin Wine,
Esq.

164 Getty Avenue, Block 11.22, Lots 1 & 1.01 16 – M-2 - On February 19, 2020, the Applicant received preliminary and final major site plan approval along with use variance, bulk variance and design waiver/exception relief to construct a second-story addition to the building located at 156 Getty Avenue, Clifton, New Jersey 07011 (Block 11.03, Lot 56) (the “Original Approval”) that included utilizing a portion of the Property for parking ancillary to the said Original Approval. On October 6, 2021, the Applicant received amended preliminary and final major site plan approval along with use variance, bulk variance and design waiver/exception relief to amend the Original Approval to convert the constructed second story of the building to fifteen (15) residential dwelling units in lieu of warehouse and office space (the “Amended Approval”), and to construct related site improvements, including but not limited to parking lot striping and improvements, sidewalks, a trash enclosure, and signage, along with utilizing a portion of the Property for parking ancillary to the said Amended Approval. The Applicant presently proposes to subdivide Block 11.22, Lots 1 & 1.01 through a lot line adjustment which will result in the creation of proposed Block 11.22, Lot 1.10 (“Proposed Lot 1.10”) and proposed Block 11.22, Lot 1.11 (“Proposed Lot 1.11”). The Applicant seeks the following use variance, bulk variance and/or design exception/waiver relief from the City Ordinances: (1) N.J.S.A. 40:55D-70(d)(1) (Residential use is not permitted in the M-2 Zone; residential use previously approved for existing Block 11.22, Lot 1.01/Proposed Lot 1.10 and Proposed Lot 1.11 as associated with Block 11.03, Lot 56); (2) N.J.S.A. 40:55D-70(d)(3) (Conditions for warehouse facility not met with respect to Block 11.03, Lot 56) (if deemed necessary); (3) N.J.S.A. 40:55D-70(d)(2) (Expansion of a non-conforming use) (if deemed necessary); (4) Lot coverage greater than permitted (60% permitted, 80.1% proposed for Proposed Lot 1.11); and (5) Lot width less than required (100 ft. required; 60 ft. proposed for Proposed Lot 1.10 and 62.95 ft. proposed for Proposed Lot 1.11). 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, de minimis exceptions from the New Jersey Residential Site Improvement Standards (“RSIS”), 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.

Benjamin Wine, Esq., of Prime and Tuvel, with offices at 1 University Plaza Dr., Suite 500, Hackensack, New Jersey, appeared on behalf of the applicant. Also present and sworn were: Matthew Flynn, 101 Gibraltar Drive Morris Plains, New Jersey a planner. There were no objectors.

The Board is in receipt of Engineering Review No. 1 dated October 23, 2023 issued by Neglia Engineering, and Planning Review No. 1 dated November 14, 2023 issued by Graviano & Gillis Architects & Planners LLC.

Mr. Wine provided background on the application. The property is a strip of land that runs behind a series of properties and was formerly owned by the railroad. There were prior approvals in February 2020 for a second story addition at 164 Getty Avenue, which is a parking area, and an amended approval in 2021 to make the addition residential. Those properties are not at issue here, but the lot at issue is the parking area. These lots are separate from the property. The applicant is proposing a lot line adjustment to shift the line separating the lots 50 ft to the east to better serve the properties.

The applicant is seeking a d(1) subsection variance relief due to the fact that the parking lot is attached to a property which required a use variance. The use of the property is not being changed, but the variance is triggered by the lot line adjustment.

Mr. Flynn provided planning testimony. The lot line will be adjusted to the east. Currently, the lot lines do not line up. By moving the line, the lot lines will line up. The adjusted lot line will not take any parking away but instead the lot line will stop exactly where the applicant stops his use of the property. There is a fence existing where the lot line is. This is d(1) use relief requested as a matter of procedure, and no change to the use will occur. Therefore, all positive and negative criteria will remain as previously established in prior applications.

Mr. Flynn offered the following exhibits:

Exhibit A-1 – Aerial Satellite Imagery

Exhibit A-2 – Aerial Drone View Looking North

Mr. Flynn provided testimony regarding the positive criteria. He stated that this is a more efficient use of space. The lot line adjustment allows the lots to operate more efficiently. This furthers the MLUL by ensuring appropriate uses in appropriate locations. Further, the lot area reduction will not alter any conditions of the property or reduce any manner in which the property operates.

Mr. Flynn provided testimony regarding the lot width and the requested variance. This will be the same lot width, but the movement of the line triggers the need for the variance.

Chrmn Zecchino asked about the neighboring property who is gaining additional lot area. Mr. Wine stated that it is a masonry company who intends to use it as drive lane space once it is properly conveyed.

As a condition of approving the property, the Board instituted the following stipulations:

1. All terms and conditions of previous approval related to the d(1) variance remain unchanged.

After a review of the testimony, Comr. George Foukas moved to approve the application with the noted stipulation and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice Chrmn Gerard Scorziello. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

RESOLUTIONS

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

1. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of 429 PIAGET LLC for preliminary and final site plan approval, use variance, and bulk variances to restore existing fire damaged building with mixed commercial and residential use for premises located at 429-433 Piaget Ave., Block 19.08, Lots 3&4, was adopted.
2. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARKGOLD LP for preliminary and final site plan approval, use variance, and bulk variances to construct a warehouse and related site improvements for premises located at 1149 Bloomfield Avenue, Block 79.04, Lot 19, was adopted.

Thereafter, upon motion made by Comr. Scott Sochon, seconded by Comr. Maureen O'Connor the Minutes of the November 1, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF NOVEMBER 15, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JOHN RADER**
for premises known as: **817-825 Clifton Ave., Block 35.06, Lot 16**
be and the same is hereby: **DENIED site plan approval, use variance, and bulk variances to remove the existing repair garage, enlarge the existing Dunkin Donuts store and construct a drive-through facility.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. Michael Molner moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests site plan approval, use variance, and bulk variances to removed the existing repair garage, enlarge the existing Dunkin Donuts store and construct a drive-through facility; and

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

- a. The applicant requests site plan approval, use variance, and bulk variances to remove the existing repair garage, enlarge the existing Dunkin Donuts store and construct a drive-through facility; and
- b. This Application was previously heard before the Board during its August 19, 2020; September 16, 2020; October 21, 2020; November 18, 2020; and December 2, 2020 meetings. On December 2, 2020, the Board voted to deny the application; and
- c. The Applicant subsequently appealed the Board's denial to the Superior Court of New Jersey, Law Division under docket number PAS-L-309-21. The Superior Court of New Jersey, Law Division reversed the denial of the Board by Order entered on August 13, 2022 and remanded the Application back to the Board of Adjustment for further proceedings; and
- d. Following remand, the Application was heard before the Board during its May 3, 2023, September 6, 2023, and November 15, 2023 meetings; and
- e. The subject property is comprised of 21,520 sqft with frontage on Clifton Avenue and Cloverdale Road in Clifton. The property is currently developed with two (2) one-story buildings. The building closer to Clifton Avenue is occupied by a Dunkin Donuts and the second building is occupied by Mooney Auto Repair Garage. The site currently contains additional on-site improvements including curbing, pavement, curb cuts, striping, bollards, retaining walls, a storage trailer and fencing; and

- f. The applicant proposes to raze the existing Mooney Auto Repair garage, which is a non-conforming use, and expand the existing Dunkin Donuts. The applicant also proposes the addition of a drive-thru facility; and
- g. Following input from the Board, the applicant revised his plans on multiple occasions. The most recent iteration of the site plan included the elimination of a second drive through lane, expansion of the proposed single lane drive through to permit for queuing of 14 cars, reconfiguration and repositioning of ADA compliant parking spaces, installation of a sound wall near the rear of the property, increased pervious coverage areas and additional landscaping, among other site improvements; and
- h. The applicant also stipulated that operation of the drive through will be limited to the hours of 5 am to 11 pm, 7 days per week; and
- i. The application requires a d(3) use variance to expand the existing fastfood restaurant, which is a conditional use within the zone; and
- j. Pursuant to Clifton City Code provision 461-33D, fast food restaurants must meet the following conditional requirements:
 - 1. Minimum lot area – 25,000 sq ft
 - 2. Minimum lot width – 125 ft
 - 3. Minimum lot depth – 150 ft
 - 4. Front yard setback – 25 ft
 - 5. Rear yard setback – 50 ft
 - 6. Side yard setback – 30 ft each
 - 7. Maximum lot coverage – 25%
 - 8. Building Height – One story or 20 ft
 - 9. Off-street parking – one space for each two seats, plus one parking space for each employee
- k. The applicant’s proposal does not comply with the requirements of lot area and lot depth; and
- l. To evaluate d(3) approval, the Board’s determination focused on the specific deviations from the conditional use standards; and
- m. The Board found that the applicant did not adequately demonstrate that deviation from the conditional use standards of lot area and depth does not affect suitability of the site; and
- n. Specifically, the Board found that construction of a drive through on said site, which does not comply with the size requirements, will create overcrowding on the site and will expose the high pedestrian population to danger as cars will back into the drive aisles when pulling out; and

- o. The application requires a d(1) use variance; and
- p. To approve a d(1) use variance, the Board evaluated whether both the positive and negative criteria were satisfied; and
- q. The applicant provided insufficient testimony to demonstrate the positive criteria, as the applicant did not demonstrate that the site is particularly suitable for a drive through use, as the site currently operates without a drive through, the site is in a high pedestrian traffic area, and inadequate testimony was established to demonstrate how the application would advance the purposes of zoning; and
- r. The applicant also did not provide testimony that the use proposed was inherently beneficial, that the site was particularly suitable, or that the site may not be used for any permitted use; and
- s. The applicant also did not provide testimony to establish the negative criteria, including that the proposed use variance could be granted without substantial detriment to the public good or that the use would not substantially impair the intent and purpose of the zone plan; and
- t. The Board determined that the proposed use would create significantly harmful impacts to the community in the area, particularly related to increased danger to pedestrian traffic caused by various factors, including drivers backing into the right of way and high queue times; increased pollution due to idling cars; and overall a negative impact to the current residential area; and
- u. The application requires certain (c) variances; and
- v. To approve the requested (c) variances, the Board evaluated whether adequate undue hardship existed justifying the requested variances, or whether as to this piece of property, the benefits of the variance would substantially outweigh the detriments and advance the purposes of the MLUL; and
- w. The Board has particular concerns regarding overcrowding of the area, particularly due to the site's close proximity to Clifton High School, which is one of the largest high schools in New Jersey; and
- x. The Board also is concerned with the overuse of the property, particularly due to its location in a residential and high pedestrian trafficked area; and
- y. The Board has not found any special reasons or sufficient hardship to justify the granting of this application; and
- z. The detriments of the application outweigh the benefits, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the request for site plan approval, use variance, and bulk variances to remove the existing repair garage, enlarge the existing Dunkin Donuts store and construct a drive-through facility for premises located at 817-825 Clifton Ave., Block 35.06, Lot 16, is hereby denied.

Resolution moved by:

Seconded by:

Affirmed by:

Comr. GEORGE FOUKAS

Comr. MICHAEL MOLNER

Comrs David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 15, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MO SALMAN
for premises known as: 15 Priscilla St., Block 40.01, Lot 35
be and the same is hereby: GRANTED variances to expand driveway curbcut.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variances to expand driveway curbcut for premises located at 15 Priscilla St., Block 40.01, Lot 35; and

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

- a. The applicant would like to expand his driveway. He stated that there is ample space on the street, but he wants to fit two cars in the driveway; and
- b. The proposed construction requires a variance to expand the curb cut to 17' where 12' is permitted; and
- c. The applicant has shown sufficient hardship to justify the grant of the variances 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 addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application variances to expand driveway curbcut for premises located at 15 Priscilla St., Block 40.01, Lot 35, is hereby approved and the variances 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. GEORGE FOUKAS

Comr. MAUREEN O'CONNOR

Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 15, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MORDECHAI & BLIMA HALBERSTAM**
for premises known as: **30 Woodward Ave., Block 50.09, Lot 5**
be and the same is hereby: **GRANTED** variances to construct an addition and complete renovations.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variances to construct an addition and complete renovations for premises located 30 Woodward Ave., Block 50.09, Lot 5; and

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

- a. The applicant proposes an addition and renovations to enlarge their kitchen. The addition is one story and will follow the garage line of the home; and
- b. The proposed construction requires a side yard setback variance, as the side yard setbacks are proposed at 4.64' where 6' is permitted; and
- c. The proposed construction requires a combined yard setback variance, as the combined yard setback is proposed at 11.66' where 16' is required; and
- d. The proposed construction requires a lot coverage variance, as the lot coverage is proposed at 33.6% where 30% is required; and
- e. A variance is required for the AC condenser, as the setback for the condenser will be 3.5' where 6' is required; and
- f. A variance is required as the applicant intends to convert a portion of their garage into living space, while maintaining the remaining portion of the garage as storage; and
- g. A parking variance is required for one off street parking space where two are required; and
- h. As a condition of approving the property, the Board instituted the following stipulations:

- a. Bollards will be installed in the interior wall separating the storage area and the living area to prevent a car from driving into living space.
- i. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- j. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct an addition and complete renovations for premises located at 30 Woodward Ave., Block 50.09, Lot 5, is hereby approved and the variances 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Comr. DAVID BRAID

Comrs. David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF NOVEMBER 15, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MEIR KANIEL**
for premises known as: **174 Rutherford Blvd., Block 60.09, Lot 35**
be and the same is hereby: **GRANTED** variances to construct a second floor addition and covered front stoop.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variances to construct a second floor addition and covered front stoop for premises located at 60 Belmont Ave., Block 70.02, Lot 65; and

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

- a. This application was previously presented to and denied by the Board during a hearing on May 17, 2023; and
- b. The applicant provided testimony that the third floor laundry room has been eliminated, as well as front and rear dormers which created a third story; and
- c. The existence of the laundry room and third story were the basis of the Board's denial; and
- d. The Board determined that removal of the laundryroom and the dormers from the application were substantial changes and granted the applicant the opportunity to be heard; and
- e. The applicant proposes a second story addition. The second floor addition will not expand the home's footprint, and will contain bedrooms and bathrooms, as well as attic access; and
- f. The proposed construction requires a front yard setback variance, as the front yard setback is proposed at 23.13' where 25' is permitted; and
- g. The proposed construction requires a side yard setback variance, as the side yard setbacks are proposed at 5.77' where 6' is permitted; and
- h. The proposed construction requires a combined yard setback variance, as the combined yard setback is proposed at 12.17' where 16' is required; and

- i. The proposed construction requires a lot coverage variance, as the lot coverage is proposed at 29.3% where 27% is required; and
- j. A variance is required in relation to the front stoop enclosure, as the encloser will be 9' where 8' is permitted; and
- k. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- l. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a second floor addition and covered front stoop for premises located at 174 Rutherford Blvd., Block 60.09, Lot 35, is hereby approved and the variances 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Comr. MAUREEN O'CONNOR

**Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF NOVEMBER 15, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **BHARAT RANA**
for premises known as: **60 Belmont Ave., Block 70.02, Lot 65**
be and the same is hereby: **GRANTED** variances to construct an addition and alterations to a single family home.

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. 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 variances to construct an addition and alterations to a single family home for premises located at 60 Belmont Ave., Block 70.02, Lot 65; and

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

- a. The applicant proposes an addition to the rear of the home. The addition will be on both the first floor and the second floor. There will be bedrooms, office space, and direct access to the garage created. The addition is 678 sq ft split between two floors; and
- b. The proposed construction requires a rear yard setback variance, as the rear yard setback is proposed at 27.2' where 35' is permitted; and
- c. The proposed construction requires a side yard setback variance, as the side yard setbacks are proposed at 4.6' and 5.1' where 6' is permitted; and
- d. The proposed construction requires a combined yard setback variance, as the combined yard setback is proposed at 9.7' where 16' is required; and
- e. The proposed construction requires a lot coverage variance, as the lot coverage is proposed at 32.76% where 27% is required; and
- f. A variance is required, as an intersecting gable roof creates a 3rd story where only 2 stories are permitted; and
- g. The roof creates a space on the third floor which is not large enough to be inhabited and does not exceed the maximum building height; and
- h. The applicant provided testimony that many homes in the area have rear additions, and the type of addition proposed is similar to others which exist in the area; and

- i. The applicant testify that there would be no negative impact to the neighborhood; and
- j. As a condition of approving the property, the Board instituted the following stipulations:
 - 3. Rear roof shall be removed; and
 - 4. The west window in the second floor study shall be removed.
- k. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- l. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct an addition and alterations to a single family home for premises located at 60 Belmont Ave., Block 70.02, Lot 65, is hereby approved and the variances 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. MICHAEL MOLNER

Vice Chrmn GERARD SCORZIELLO

**Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF NOVEMBER 15, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARC SCHWAB
for premises known as: 111 South Parkway, Block 60.10, Lot 1
be and the same is hereby: GRANTED variances to construct a two-story addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variances to construct a two-story addition for premises located at 111 South Parkway, Block 60.10, Lot 1; and

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

- a. The applicant would like to construct a two story addition on his home as the applicant's family is growing and the house is in need of improvements and upgrades; and
- b. The proposed construction requires a left side yard setback variance, as the left side yard setback is proposed at 4.7' where 6' is required; and
- c. The proposed construction requires a combined yard setback variance, as the combined yard setback is proposed at 14.7' where 16' is required; and
- d. The proposed construction requires a lot coverage variance, as the lot coverage is proposed at 32.6% where 27% is required; and
- e. The proposed curb cut requires a variance, as the proposed curb cut is 20' where 12' is permitted; and
- f. A variance is required for a driveway not serving a garage; and
- g. A variance is required for a 3.5' buffer to driveway where 5' is required; and
- h. A variance is required for an outside stairway stoop of 9.4' wide is proposed where 8' wide is permitted; and
- i. The applicant provided testimony that the expansion is necessary to provide space, comfort, and security to their growing family; and

- j. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- k. 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 addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a two-story addition for premises located at 111 South Parkway, Block 60.10, Lot 1, is hereby approved and the variances 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Comr. MAUREEN O'CONNOR

**Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF NOVEMBER 15, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **CLIFTON RAILROAD CORP.**
for premises known as: **Getty Avenue Rear & Getty Avenue, Block 11.22, Lots 1 & 1.01, respectively**
be and the same is hereby: **GRANTED minor subdivision, use and bulk variance relief to permit subdivision of the property as well as relocation of property's lot line.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on November 15, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant sought minor subdivision, use and bulk variance relief to permit subdivision of the property as well as relocation of property's lot line; and

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

- a. The subject property is located in the industrial M-2 zone and is a strip of land that runs behind a series of properties; and
- b. The property was the subject of a number of prior applications before the Board; and
- c. The instant property consists of a rear lot area behind a number of properties, which has a lot division line between current Lots 1 & 1.01 which does not coincide with the current use of each property seeking to use the lot area (specifically, Block 11.03, Lot 56 and Block 7.05, Lot 1 (the "Street-Fronting Properties")); and
- d. The applicant seeks to move the lot line approximately 50 ft to the east so that it will better serve the Street-Fronting Properties; and
- e. A d(1) use variance is requested due to the fact that Lot 1.01 serves as parking for the development located at Block 11.03, Lot 56 which received approvals pursuant to, *inter alia*, N.J.S.A. 40:55D-70(d)(1), but the current use on said lot will not be changed nor will any parking be reduced; and
- f. All positive and negative criteria will remain unchanged as previously stated in prior applications; and
- g. Still the applicant provided testimony regarding both the negative and positive criteria; and

- h. The applicant demonstrated that the lot line adjustment creates a more efficient use of space, the uses of the property will remain unchanged, and no conditions of the Street-Fronting Properties or any prior approvals affecting the property are modified by the lot line adjustment; and
 - i. The applicant has shown sufficient hardship to justify the grant of the variances requested, as well as that the proposed subdivision will advance purpose of the Municipal Land Use Law (“MLUL”), including the promotion of the efficient use of the land, thereby satisfying Purposes A and G of the MLUL;
 - j. Given that there will be no reduction to any parking related to any prior approvals, nor will any existing nonconforming bulk conditions be made worse, there is no substantial detriment to the public good nor substantial impairment of the zone plan or zoning ordinance associated with granting the relief sought; and
 - k. The benefits of the application substantially outweigh the detriments, if any; and
1. As a condition of approval, the Board instituted the following stipulations:
 1. All terms and conditions of previous approval related to the previously granted d(1) variance remain unchanged.

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 addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variance relief to permit subdivision of the property as well as relocation of property’s lot line for premises located 164 Getty Avenue, Block 11.22, Lots 1 & 1.01, is hereby approved and the variances 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, if applicable.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton, if required by law.
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, as applicable by law.
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. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
15. The applicant shall make all commercially reasonable efforts to construct utilities underground.
16. All temporary encroachments into the public right-of-way shall require City Council approval.
17. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.
18. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
19. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.
20. 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.

Resolution moved by:
Seconded by:
Affirmed by:

Comr. GEORGE FOUKAS
Vice Chrmn GERARD SCORZIELLO
Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.