

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 5, 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, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR. GEORGE FOUKAS.

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.

CONTINUED HEARINGS

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| 1.
Variances; Use
Variance; Site
Plan | GEELAND, LLC
Michael D. Sullivan, Esq.
(CONTINUED TO 02/07/2024) | 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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NEW HEARINGS

2.	NELI RIVERA	100 Belgrade Ave., Block 14.12, Lot 24 – RA3 – The
Variances; Use	Dominic	applicant is proposing a 1 story, 2-bedroom apartment
Variance	Iannarella, Esq.	and deck on 1st floor where currently a 1-bedroom
		apartment exists which is an expansion of an existing
		nonconforming 2 Family house in an RA3 zone.
		Applicant also seeking variances for lot coverage
		proposed at 29% where 27% required, front yard setback
		proposed at 17' where 25' required, and any other
		variances that may be required.

Dominic Iannarella, Esq., with offices at 139 Lakeview, Ave., Clifton, New Jersey, appeared on behalf of the applicant. Also present and sworn on behalf of the applicant was Michael Capo, of Michael Capo Architect LLC, with offices at 1046 Rt 46 E., Clifton, New Jersey 07013, an architect. Interested Parties Joseph Biazza were present

Mr. Iannarella provided a brief opening statement. The application seeks an expansion of an existing non-conforming use. The applicant seeks to expand out the first floor so it sits flush with the footprint of the second floor to add additional living space. There is no expansion of the existing non conformities.

Michael Capo offered architectural testimony. The first floor will be expanded and it does not expand the footprint. The first floor currently houses a studio apartment. The variances sought are existing non-conformities.

Comr. Molner asked about the side yard stairs.

Mr. Iannarella stated that he discussed concerns of water runoff with neighbors. Mr. Capo stated that he would ensure that the revised plans address the water runoff to ensure that the water remains on the property.

Interested Party Joseph Biazza, 96 Belgrade Avenue, stated that he spoke with the architect and installing a gutter to the front and draining to the front of the building would be acceptable. Mr. Capo confirmed that the revised plans would ensure that they reflect this change.

Mr. Iannarella offered a closing statement regarding the applicant's hardship and how this will improve her use of the property.

Mr. Yazza stated that the prior owner did not do anything to improve the property and it caused water damage to his parent's property. He wants to go on record that there are other issues with the property.

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

1. The revised plans will include a 5 inch gutter which will be positioned to the front of the property.

After a review of the testimony, Comr. Scott Sochon moved to approve the application with the noted stipulations 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, Zalman Gurkov, 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.	SKENDER	55 Mountainside Terrace, Block 22.02, Lot 21 – RA3 –
Variances; Site	KOKAJ	The applicant seeks approval to add a two story addition
Plan	Gary Cohen, Esq.	to the rear of the existing one story one family house. The addition will contain a crawl space on the ground level; the first level will be reconstructed to contain a kitchen, dining room, living room, and two fixture bathroom; and the new second level of the addition constructed over the existing house will contain three bedrooms, two full bathrooms, and a laundry room. Variances are required for the following: (1) lot area of 5,000 sqft is required, and 3,750 sqft exists and is proposed; (2) lot frontage of 50 ft is required, and 37.5 ft exists and is proposed; (3) front yard setback of 25 ft is required, and 7.91 ft exists and is proposed; (4) side yard setback of 6 ft is required, and 3.97 ft exists and is proposed; (5) combined yard setback of 16 ft is required, and 14.76 exists and is proposed; (6) maximum lot coverage of 27% is permitted, and 27.3 exists and 32.05% is proposed; (7) for any additional parking or modified parking arrangements that the Board of Adjustment may require; (8) for site plan approval; and (9) granting all other relief, waivers, variances, and approvals that may be required or that may be raised at the time of the hearing.

Gary Cohen, Esq., with offices at 180 Main Avenue, Passaic, New Jersey 07055, appeared on behalf of the applicant. Also present and sworn on behalf of the applicant was Joseph Donato, 14 Rt. 4 W River Edge, New Jersey, an architect. There were no objectors.

Mr. Cohen stated that the applicant is proposing a modest addition to the rear of his home. Many of the variances requested are already existing. He stated that the applicant needs additional living space and that the home is in need of upgrading. He explained that the applicant came before the Board with this application in 2018, which was approved at the time. Due to personal reasons, the applicant was unable to complete the construction and is back with the same application.

Mr. Donato stated that the property is a single story home that is non conforming. The nonconformities include lot size, lot width, and lot coverage. He stated that due to these existing nonconformities, the applicant is significantly limited in what improvements he can do to this property. He explained that the applicant will be following the line of the home when doing this addition. Variances for lot area, lot grontage, front yard setback, side yard setback, and combined hard setback are required, and will not be expanded. The lot coverage variance is an expansion.

With the addition, the first floor will be living room and kitchen, and dining room. The second floor will be 3 bedrooms and 2 bathrooms. The applicant satisfies the height requirement. Mr. Donato stated that the addition will allow the home to fit into the neighborhood and be updated as far as siding and windows.

Comr. Sochon asked about the location of the garage.

After a review of the testimony, Comr. Michael Molner 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, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrnm Gerard Scorziello and Chrnm 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.

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| 4.
Variances; Use
Variance | MOHAMMAD JUBRAN
Gary Cohen, Esq. | 435 Lakeview Avenue- Block 1.10, Lot 35 – B-C – This application was previously heard before the Board during its July 19, 2023 regular meeting. The applicant has made changes to the application which will be presented to the Board. The purpose of the Application is to allow the two-fixture bathroom, containing a sink and toilet, located in the basement of this two-family residential house to remain and be maintained, and for the issuance of all permits and approvals that may be required, for use of this bathroom by the occupants of the house, the Applicant's father and mother who occupy the first floor apartment because the father suffers from a confirmed disability and the said bathroom is necessary for his medical condition. This Application also seeks an approval to allow the attic, which is part of this two-family house, connected to the house by way of a hallway, but not directly connected to the second floor apartment, and not used for sleeping, cooking, sanitary facilities, nor everyday living, to be sheet rocked and to be used for purposes of necessary storage. In addition this Application also seeks the above approvals in order to allow the issuance of the Certificate of Occupancy for the first floor apartment and for the second floor apartment. The application in question requires the following approval/relief from the |
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City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance: 1] Approving a variance as to Clifton Ordinance, Zoning Law, Article IV, Section 461-13.1 and allowing in this two family house a two-fixture bathroom in the basement, containing a sink and toilet, in conjunction with an existing exterior entrance that the Applicant shall be permanently closing, a rear common hallway to remain, where said Ordinance does not permit same. 2] To allow the existing entrance via the rear common hallway to the basement to remain. 3] To allow several rooms in the basement to remain where only one open recreation room is permitted. 4] Approving a variance as to Clifton Ordinance, Zoning Law, Article IV, Section 461-64, in order to allow the attic, which is part of this two-family house, connected to the house by way of a hallway, but not directly connected to the second floor apartment, and not used for sleeping, cooking, sanitary facilities, nor everyday living, to be sheet rocked to be used for purposes of necessary storage. The attic will not be connected to any heating and cooling systems, nor will the attic have any kitchen, bathroom or electrical system. 5] To allow the used of the attic in conjunction with the first floor apartment where such use is only permitted with the floor below it. 6] Allowing the issuance of the Certificate of Occupancy for the first floor apartment and for the second floor apartment. 7] Granting all other relief, waivers, variances, and approvals that may be required or may be raised during the course of the hearing.

Gary Cohen, Esq., with offices at 180 Main Avenue, Passaic, New Jersey 07055, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony was Mohammad Jubran, 435 Lakeview Ave. Interested Party Isaias Roa was present and identified, but not sworn as no statement was made.

This Application was previously heard before the Board during its July 19, 2023 meeting, following which the Board voted to deny the application.

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

Mr. Cohen stated that the last time the applicant was before the Board, a three fixture bathroom was proposed in the basement as well as the attic. The applicant now proposes a two fixture bathroom in the basement as well as the attic. Mr. Cohen stated that a two fixture bathroom has different criteria and it is permitted if it is connected to the first floor. He explained that the concerns of the Board stemmed from an exterior entryway. The application corrects the issues by removing the shower and permanently closing the basement access. He explained the two fixture bathroom should be permitted despite the lack of connection due to the size of the home, as the applicant's unique circumstances require it.

Chrmn Zecchino asked Zoning Officer Bolcato about the requirements of a two fixture bathroom if both entrances are closed. Ms. Bolcato stated that if the basement did not have any entrance to the exterior, the bathroom could be installed. Mr. Cohen and the applicant discussed the two entrances.

Comr. Michael Molner moved to deny the applicant's request to be heard on the grounds that res judicata has not been met. Comr. Michael Molner seconded the motion. Voting in favor of the Motion to hear the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, 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 not heard.

Mr. Cohen asked about the attic. Ms. Bolcato discussed the requested variance. The applicant seeks the variance to permit the attic to provide storage to the first floor, as the ordinance requires that attic service the floor below it.

On advice of counsel, the applicant bifurcated the application to discuss the variance required for the apartment. This portion of the application was on the plans previously, but not discussed and not a subject of the Board's original denial. Therefore, this is a matter heard for the first time.

The applicant stated that the first floor tenants are his disabled parents. The attic is accessed through a common hallway which permits access for first and second floor tenants. There is not enough room for living space. There is no heating, cooling, plumbing, or electric. The first floor apartment currently does not have closets so the space is needed to store personal items and create closets. As a result of the absence of the variance, no Certificate of Occupancy can be issued.

Chrmn Zecchino asked how do we know who is putting stuff in the attic, and how it can be policed.

After a review of the testimony, Comr. Michael Molner moved to approve the bifurcated application related to the attic to permit use by the first floor 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, Zalman Gurkov, 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.

5.	Variance;	Use	S&J	SUNNY	2 Broad Street, Block 14.06, Lot 2 – M-2 –	The
	Variance;	Site	REALTY	IV		application seeks site plan approval with variance relief
	Plan		LLC			in connection with the use of outdoor storage racks on
			Brian			the property. The applicant seeks relief as follows: A use
			Chewcaskie, Esq.			variance pursuant to <u>N.J.S.A.</u> 40:55D-70d(1) and/or
						<u>N.J.S.A.</u> 40:55D-70d(3) to permit outdoor storage racks
						for lumber and building materials to be located in the
						yard area, as such outdoor storage area shall not be
						located in yard area pursuant to Section 461-16(a). The
						applicant seeks such other approvals, variances, waivers
						or design exceptions that may be deemed necessary.

Brian Chewcaskie, Esq., of Cleary Giacobbe Alfieri and Jacobs, with offices at 169 Ramapo Valley Rd., UL 105, Oakland, NJ 07436, appeared on behalf of the applicant. Also present and sworn on behalf of the applicant was Gino Changuan, the operating officer of the applicant; David Spatz, 60 Friend Ter, Harrington Pk, NJ 07640, a planner; and Paul Ercolano, of Ercolano Engineering with offices at 826A Lincoln Ave., Maywood, NJ 07607, an engineer. There were no objectors.

In advance of tonight's meeting, the Board received a revised site plan and correspondence from Heather Goldstein, Esq. dated November 28, 2023.

The Board is in receipt of Engineering Review No. 2 dated October 27, 2023 and Revised December 1, 2023 issued by Neglia Engineering and Planning Review No. 1 dated December 1, 2023 issued by Graviano and Gillis.

Mr. Chewcaskie stated that the applicant was previously before the Board. This is an existing warehouse and the applicant seeks to add outdoor storage racks. Building materials are stored on half of the site, and are delivered by vehicles. The proposal is that certain lumber may be placed outside on these storage site. Currently, outdoor storage for building materials is not permitted.

Mr. Ercolano reviewed the revised plans and described the site conditions. The site plan was revised on November 28, 2023. The site currently has an existing building. The only changes include 20 ft max height storage racks, and 700 linear feet long in total. Striping for truck vehicles will be created. The existing site is mostly paved. The storage racks are toward the rear of the property which is adjacent to Rt. 19. Currently there is an existing retaining wall, which will need to be continued. The additional retaining wall will be the same height as the existing wall. The position of the racks will not interfere with any existing parking. Mr. Ercolano demonstrated how a vehicle would access the storage racks.

Chrmn Zecchino asked about the distance between the racks. Mr. Ercolano stated that there will be approximately 20 ft between racks.

Anthony Kurus of Neglia Engineering asked if there was any impact to the FDC connection or if there was any input from the fire official. Mr. Ercolano confirmed that there was no impact.

Nicholas Graviano, of Graviano and Gillis, stated that he would recommend the relocation of the 3 parking spaces in the area to permit better flow. Mr. Ercolano confirmed that they could be moved to some other area of the 2 acre site.

Mr. Changuan offered operational testimony. He testified that customers do not access the site for building materials. Instead, the building materials are stored for off site delivery. The only trucks on site are the applicant's delivery trucks. He advised that the applicant would be able to relocate the parking spaces. Mr. Changuan stated that there are 3 trucks, and one driver operates all 3 trucks. There are 20 employees who work 5 days per week. The hours of operation are Monday through Friday, 7 am to 6 pm. There is only wholesale, no retail. The box truck takes deliveries every day. The other two trucks are utilized twice per month.

Comr. Sochon asked what is contained in building materials. Mr. Changuan stated that they deal primarily in lumber and PVC.

Comr. Eramo asked about where the materials are currently stored. Mr. Changuan stated that they do not take orders and this will allow them to expand their business.

Comr. Molner asked if they are working on the site now. Mr. Changuan stated that they are and that the dilapidated area was attributed to a former tenant, which is now corrected.

Mr. Changuan addressed the existence of an easement between the application and the neighboring property related to a chainlink fence. He stated that no matter the existence of the easement, the parking can easily be relocated.

David Spatz offered planning testimony.

Mr. Spatz offered the following exhibits:

Exhibit A-1 – Site Images

Mr. Spatz stated that a use variance is needed as outdoor storage is not permitted in the M-2 zone. He stated that the applicant meets the special reasons standard, as it meets multiple purposes listed in the MLUL. He explained racks allow the materials to be stacked, which allow them to be screened due to the different elevation of the adjacent neighborhoods. He explained that the proposed use is a more beneficial and more efficient use. He also addressed the negative criteria. There is no additional traffic, or otherwise detriment to the public. He stated that the benefits of the application would substantially outweigh any negative impact, which he does not believe there is.

Mr. Chewcaskie offered a brief closing statement. Ultimately, the proposed use is an improvement to the area.

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

1. The three parking spaces in the area of the storage racks will be moved to another location on the site, with subsequent landscaping placed.
2. Front racks will hold lumber only

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon . Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, 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.

6.		AMERICAN	245-247 Parker Ave., Block 14.06, Lot 2 – PD-1 – The
Variance;	Use	ANALYTICAL	application seeks amended preliminary and final site
Variance;	Site	ASSOCIATION	plan approval with variance relief in connection with as
Plan		INC.	built conditions for an eighteen (18) unit residential
		Brian	building with three (3) stories and three (3) commercial
		Chewcaskie, Esq.	retail spaces. The Property was originally granted
			preliminary and final site plan approval with variance
			relief on February 7, 2018, which resolution was
			adopted on April 4, 2018. The Applicant seeks relief as
			follows: Amended Preliminary and Final Site Plan
			Approval with Variance(s) pursuant to N.J.S.A. 40:55D-
			70d(1) and/or N.J.S.A. 40:55D-70d(2) with respect to
			the increase in nonconforming residential use of the
			building. The Applicant seeks such other approvals,
			variances, waivers or design exceptions that may be
			deemed necessary.

Brian Chewcaskie, Esq., of Cleary Giacobbe Alfieri and Jacobs, with offices at 169 Ramapo Valley Rd., UL 105, Oakland, NJ 07436, appeared on behalf of the applicant. Also present and sworn on behalf of the applicant was Jose Carballo, 171 Main St, Hackensack, NJ , an architect. There were no objectors.

The Board is in receipt of Engineering Review No. 1 dated November 17, 2023 issued by Neglia Engineering.

Mr. Chewcaskie stated that the application was before the Board in 2018. The original architect passed away. When the new architect took over, it was determined that certain portions of the application did not comply with building codes. The revised application will address the concerns of the Zoning Office and that this will conform with what was approved in 2018.

Mr. Carballo stated that the project was previously approved. The owner hired him to take over the project, and he realized there were numerous Code shortcomings. The shortcomings were discussed with the Zoning Office. The building was redesigned to ensure compliance with code, including accessibility codes. The building remains the same, but with some modifications that result in less square footage.

The previous project did not have an elevator, and the three units on the first floor were not all accessible. Second, the exits and connection between the stairwell were open to the weather. This is permitted under certain conditions, but this project did not meet those conditions. Now, there is an elevator and the building is fully enclosed. Every unit is fully accessible. The project was previously approved to be placed right on the property line. Now, the garage remains in the same place, but the second and third floors were set back a few feet to permit windows. Other facilities such as a lobby and package room were added.

Mr. Carballo stated that the parking area is now fully compliant with requirements. There were no accommodations for HVAC system on the original plans, and now the plans provide for it. The net square footage ultimately is within the prior approvals. The prior 3 bedroom unit is eliminated.

Based on these changes, Mr. Carballo testified that the building design is more accessible, more modern, and is otherwise a better application.

Chrmn Zecchino asked about the number of bedrooms, and how the building could be made smaller with additional units put in. Mr. Carballo stated that he believed the prior application was wrong, but with the current plan is correct. Mr. Carballo also stated that the fitness center is only for the residents.

Comr. Eramo asked about the number of parking spaces. Mr. Carballo stated that 10 parking spaces was originally approved, and that is what is provided for in the new plans.

Anthony Kurus of Neglia Engineering stated that he received answers regarding prior errors on the original application. He asked for clarification on the demand for parking. Mr. Carballo stated that the number of spaces has been maintained. There is a larger requirement, but they are maintaining what was already approved.

Mr. Carballo stated that there are 14 one bedrooms, and 4 two bedrooms currently proposed. There is 1 more bedroom than what was previously approved.

Comr. Gurkov asked about how the amended application impact prior approvals.

Nicholas Graviano of Graviano and Gillis stated that he did the parking calculations and there is compliance with the requirement based on the existing amounts. The zone does not require parking. The RSIS parking requirement is the same for one bedroom as there is for a studio apartment.

Mr. Graviano stated that the Board is here for the d(1) variance not only for the non conforming use but also two uses on one lot. There is also a requirement for a d (6) height variance as the overall height exceeds the permitted height by more than 10%. The applicant also requires a (c) variance is required for exceeding the number of permitted stories.

Mr. Chewcaskie offered a brief closing statement.

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

1. The fitness center and parking shall be for residents only.

After a review of the testimony, Comr. Michael Molner moved to approve the application 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, Zalman Gurkov, 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.

7.	MJG-MAR	42 Lakeview Ave., Block 14.06, Lot 2 – B-C – The
Variance; Use	REALTY, LLC	Property is presently developed with a vacant one (1)
Variance; Site	Mark Leibman,	story building, which was the former Garden Palace
Plan	Esq.	Bowling Alley building. By this Application, the
		Applicant is seeking Preliminary and Final Site Plan
		approval to change the use of the Property from a
		bowling alley business use to the proposed wholesale
		distribution center for motor vehicle parts. The
		Applicant is also proposing associated site
		improvements, which will include improvements to the
		landscaping and lighting on the Property. The Applicant
		is respectfully requesting a use variance from the B-C
		Zone pursuant to N.J.S.A. 40:55D-70(d)(1) with respect
		to the proposed wholesale distribution center for motor
		vehicle parts. The Applicant is also requesting the
		following variances from the B-C Zone pursuant to
		N.J.S.A. 40:55D-70(c): (i) front yard setback - 5 feet is
		required; 0 feet is existing and proposed; (ii) rear yard
		setback - 10 feet is required; 0.5 feet is existing and
		proposed; and (iii) lot coverage - 60% permitted; 70.9%
		is existing and proposed. The Applicant further reserves
		the right to seek any and all variances, variations,
		waivers and interpretations as the Zoning Board and/or
		its professionals may determine to be required.

Mark Leibman, Esq., of Chiesa Shahinian & Giantomasi PC, with offices at 105 Eisenhower Parkway, Roseland, NJ 07068, appeared on behalf of the applicant. Also present and sworn on behalf of the applicant was Emmanuel Marques, 120 Forest Way, Essex Fells, managing member of the applicant; Michael Capo, of Michael Capo Architect LLC, with offices at 1046 Rt 46 E., Clifton, New Jersey 07013, an architect; Thomas Donohue of Donohue Engineering, LLC, with offices at 210 Summit Avenue, Suite C3, Montvale, New Jersey 07645, an engineer; Louis Luglio, 160 Hillcrest Ave, Leonia, NJ; Kathryn Gregory, 96 Linwood Plz, #350, Fort Lee NJ, a planner.

Interested Party Michael Murphy, 729 Van Houten Ave, Clifton NJ, was present and sworn.

The Board is in receipt of Engineering Review No. 2 dated October 27, 2023 and Revised December 1, 2023 issued by Neglia Engineering and Planning Review No. 1 dated December 1, 2023 issued by Graviano and Gillis.

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

Mr. Leibman stated that the retail portion of the application has been entirely removed. There will only be wholesale, and this reduces the impact on parking.

Interested Party Michael Murphy quoted from the denial of the resolution. The use variance was denied for both wholesale and retail, and states that wholesale requirement was the majority of the use.

Chrmn Zecchino stated that the reason he was against the prior application was the existence of the retail. He deferred to the Board for the balance of the application.

Vice Chrmn Gerard Scorziello moved to grant the applicant's request to be heard on the grounds that res judicata has been met. Comr. Scott Sochon seconded the motion. Voting in favor of the Motion to hear the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, 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 heard.

Michael Capo offered architectural testimony. The current site consists of a former bowling alley and is approximately 16,500 sq ft. The retail area was entirely removed and the entire site is racks.

Mr. Murphy asked about the percentage of retail in the prior plan. Mr. Capo could not recall.

Mr. Marques offered operational testimony. The site and business will not be open to the public. They will not charge sales tax unless a customer is not tax exempt. He is in the business of selling car parts, and the primary client is car shops and auto mechanics. Loading bays will be open prior to the store opening, but the store will be open Monday through Saturday. Customers come in their personal cars and pick up the parts they need and leave.

Interested Party Murphy asked about the prior percentage of retail. Mr. Marcus stated it was a small portion, but the building is completely reconfigured to only accommodate wholesale.

Nicholas Graviano, of Graviano and Gillis stated that the retail area on the prior application was approximately 320 sq ft.

Thomas Donohue provided engineering testimony. The property currently contains a one story building. There is an existing asphalt parking lot which is striped for 6 spaces. There is a door for deliveries on the southern side of the building. There are existing nonconformities including front yard setback, rear yard setback, and lot coverage. The applicant seeks to renovate the existing building. The asphalt parking lot will be milled, repaved, and striped for 6 spaces. This meets the parking requirements. There will be landscaping and lighting installed. Light will be directed downward.

Interested Party Murphy asked if Mr. Donohue was the prior engineer of record and if the plans are the same. Mr. Donohue stated that there are some changes, but otherwise it is similar.

Mr. Donohue also stated that the applicant is willing to comply with all the comments provided in the Neglia Report.

Louis Luglio offered traffic testimony. He testified that the driveway width is 13-14 feet with access from Lakeview. There is one parking to the immediate right, and there are 5 angled spaces as you move deeper into the site. A passenger vehicle can enter those spaces, back out of those spaces, and exit on to Lakeview avenue. There is a loading dock and there is some common area in front of it. A truck or delivery vehicle that would come in prior to operations would have full access to the site itself and the loading area would be accessible. If necessary, a forklift could be utilized. He testified this is a low intensity of use. There is 1 parking space for every 2000 sq ft. For most of the day, many of the parking spaces will remain empty as there are only 2 employees. The peak hours would have a negligible increase in traffic on and off the site. The parking spaces are 17 feet long as opposed to 18 feet.

Mr. Kurus asked if there was enough room for passenger vehicles to leave head first. Mr. Luglio confirmed that it could, and he expected vans would likely back into the site after hours, and depart head first. There is one delivery per day for one in and one out.

Chrmn Zecchino indicated concern about a delivery truck having the ability to back into the site.

Comr. Eramo asked about the size of the delivery truck. Mr. Marques stated that it is a 24 ft box truck, and all other vehicles are personal vehicles.

Interested Party Murphy if a traffic study was done. Mr. Luglio stated that such study was not required. He has driven in the area in the busy times in the mornings and evenings. He stated it is a well trafficked area. He stated it was congested. He stated however that it was not exceeding the travel requirements that would require a traffic study.

Mr. Murphy asked if all parking spots need to be empty in order to the loading dock to be accessed by a truck. Mr. Luglio stated that the last 3 spaces should be open to best utilize the loading dock.

Mr. Murphy asked about the required size of parking spaces. Mr. Graviano clarified that the required size of parking space is 9 x 19.

Mr. Graviano stated that this type of use operates a less intense use than other permitted uses in the zone. Mr. Luglio agreed.

Mr. Leibman recalled Mr. Donohue for additional engineering testimony. Mr. Donohue demonstrated where the HVAC parking spaces are located. They are adjacent along the parking area. He stated that if those units are moved on to the roof of the building, a 9 ft wide space could be placed there. Mr. Kurus suggested striping in the area to improve truck access.

Interested Party Murphy asked if Mr. Donohue was familiar with the roof structure.

Mr. Leibman recalled Mr. Donohue for additional architectural testimony. Mr. Capo stated that he was not familiar with if the current roof could support the HVAC unit, but the plans could be modified to ensure that it would be strong enough. He explained he does so often.

Kathryn Gregory offered planning testimony.

Ms. Gregory offered the following exhibits:

Exhibit A-1 – Existing Conditions & Surrounding Neighborhood Characteristics

Ms. Gregory reviewed Exhibit A -1, which displays the site. She explained that the site is located in the B-C zone. The building was built in 1941. There are a mix of uses in the area, as well as a mix of new and old buildings. The applicant seeks a use variance for a warehouse use for auto part storage. She is familiar with the prior application and the prior denial.

For the use variance, Ms. Gregory provided testimony on the positive and negative criteria. The site does not need a parking variance. The prior proposed use of retail and warehouse needed a parking variance. This demonstrates that the site is particularly suitable, as well as the fact that it is utilizing an existing building. The building can easily be retro-fitted by this use.

The bulk variances are existing, including front yard and rear yard, as well as parking spot size and loading space. The delivery times being different from operations will assist.

Ms. Gregory testified that this use will promote the general welfare as it is an adaptive reuse of an existing site with existing infrastructure. There are minimal site changes with the exception of additional landscaping.

Ms. Gregory stated that there is no substantial detriment to the public because the public used to this building, and it is a less intense use than those uses which are permitted in the zone. The applicant also furthers the purpose of the master plan and MLUL by reusing existing buildings and preserving the site, while also providing additional jobs to the public.

Comr. Molner asked when the exhibit photos were taken. Ms. Gregory stated that the images were from Google Earth and she could not confirm the date. She also testified that the applicant will self-police to prevent parking on the side walk as is depicted in the photo.

Comr. Eramo expressed concern about how the variance goes with the property and larger truck traffic if the operation is changed or ownership is changed. Mr. Leibman stated that the applicant is amenable to a condition of approval limiting the number of trucks and the size of the trucks.

Mr. Graviano stated that the use that would be granted is limited ,as it is for wholesale auto parts. Any other use would require new Board approval. Mr. Graviano stated that this is a use that is permitted in certain conditions.

Comr. Molner asked what is in the building now. The applicant stated it is currently storage. The applicant stated that there will be one delivery per day even to fill the building following approval.

Interested Party Murphy expressed concern over how the size of the building can be filled with one truck per day.

Mr. Leibman cross examined Mr. Murphy regarding his interest in the property. Mr. Leibman expressed concern as to whether Mr. Murphy needed to disclose whether he was an economic objector.

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

1. One box truck shall be permitted on the property per day.
2. The use shall be limited to wholesale auto part sales.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to approve the application with the noted stipulations 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 approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, 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.

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 Comr. George Foukas, seconded by Comr. Michael Molner, and affirmed by Comrs. David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of JOHN RADER for site plan approval, use variance, and bulk variances to removed the existing repair garage, enlarge the existing Dunkin Donuts store and drive-in facility for premises located at 817-825 Clifton Ave., Block 35.06, Lot 16, was adopted.
2. Upon motion made by Comr. George Foukas, 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 MO SALMAN for variances to expand driveway curbcut for premises located at 15 Priscilla St., Block 40.01, Lot 35, was adopted.
3. Upon motion made by Comr. Scott Sochon, seconded by Comr. David Braid, and affirmed by Comrs. David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MORDECHAI & BLIMA HALBERSTAM for variances to construct an addition and complete renovations for premises located at 30 Woodward Ave., Block 50.09, Lot 5, was adopted.
4. Upon motion made by Comr. Scott Sochon, 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 MEIR KANIEL for variances to construct a second floor addition and covered front stoop for premises located at 174 Rutherford Blvd., Block 60.09, Lot 35, was adopted.
5. Upon motion made by Comr. Michael Molner, seconded by Vice Chrmn. Gerard Scorziello, 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 BHARAT RANA 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, was adopted.
6. Upon motion made by Comr. Scott Sochon, 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 MARC SCHWAB for variances to construct a two-story addition for premises located at 111 South Parkway, Block 60.10, Lot 1, was adopted.

7. Upon motion made by Comr. George Foukas, seconded by Vice Chrmn Gerard Scorziello, 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 CLIFTON RAILROAD CORP. to subdivide the property as well as use and bulk variances to move the lot line of the property for premises located at 164 Getty Avenue, Block 11.22, Lots 1 & 1.01, was adopted.

LEGAL NOTICE FOR 2024 MEETINGS

Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Legal Notice for the 2023 Clifton Zoning Board meetings was adopted.

APPOINTMENT OF ZONING BOARD PROFESSIONALS FOR 2024

Chrmn Zecchino announced that the next order of business would be the appointment of Zoning Board professionals for the year 2024.

1. Planner. Vice Chrmn Gerard Scorziello nominated NICHOLAS A. GRAVIANO, PP, AICP, JD of GRAVIANO & GILLIS ARCHITECTS & PLANNERS LLC as Planner. There were no other nominations, and Nicholas A. Graviano, PP, AICP, JD of Graviano & Gillis Architects & Planners LLC was unanimously elected as Planner to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term at an hourly rate of \$165.00 per hour as per communication entitled "Letter of Interest" dated November 3, 2023.

2. Engineer. Comr Michael Molner nominated NEGLIA ENGINEERING ASSOCIATES for the position of Engineer. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Engineer to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term as per communication entitled "Neglia Group, Municipal Billing Rates 2024."

3. Landscape Architect. Comr. Scott Sochon nominated NEGLIA ENGINEERING ASSOCIATES for the position of Landscape Architect. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Landscape Architect to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term as per communication entitled "Neglia Group, Municipal Billing Rates 2024."

4. Traffic Consultant. Comr. Maureen O'Connor nominated NEGLIA ENGINEERING ASSOCIATES for the position of Traffic Consultant. There were no other nominations, and Neglia Engineering Associates was unanimously elected as Traffic Consultant to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term as per communication entitled "Neglia Group, Municipal Billing Rates 2024."

5. Certified Shorthand Reporter. Vice Chrmn Gerard Scorziello nominated LAURA A. CARUCCI, C.S.R., R.P.R., LLC for the position of Certified Shorthand Reporter. There were no other nominations, and Laura A. Carucci, S.S.R., R.P.R., LLC was unanimously elected as Certified Shorthand Reporter to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term as per communication dated November 27, 2023.

Thereafter, upon motion made by Comr. Scott Sochon, seconded by Comr. Maureen O'Connor the Minutes of the November 15, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF DECEMBER 6, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **NELI RIVERA**
for premises known as: **100 Belgrade Ave., Block 14.12, Lot 24**
be and the same is hereby: **GRANTED bulk variances to construct a 1 story, 2 bedroom apartment on first floor where 1 bedroom apartment exists.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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 bulk variances to construct a 1 story, 2 bedroom apartment on first floor where 1 bedroom apartment exists for premises located at 100 Belgrade Ave., Block 14.12, Lot 24; 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 her home to construct a 1 story, 2 bedroom apartment and deck on her first floor; and
- b. Currently, a 1 bedroom apartment exists, and the home is an existing, non-confirming 2 family house; and
- c. The proposed construction requires a front yard setback variance, as the front yard setbacks are proposed at 17' where 25' is required; and
- d. The proposed construction requires a lot coverage variance, as the lot coverage is proposed at 29% where 27% is required; and
- e. The proposed variances are existing non-conformities, which will not be expanded, as construction will ensure that the first floor is flush with the footprint of the second floor; and
- f. The applicant provided adequate testimony demonstrating the need for such variances as the proposed construction will improve her use of the property; and
- g. As a condition of approving the property, the Board instituted the following stipulations:
 1. The revised plans will include a 5 inch gutter which will be positioned to the front of the property.

- h. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- i. 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 bulk variances to construct a 1 story, 2 bedroom apartment on first floor where 1 bedroom apartment exists for premises located at 100 Belgrade Ave., Block 14.12, Lot 24, 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, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF DECEMBER 6, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SKENDER KOKAJ
for premises known as: 55 Mountainside Terrace, Block 22.02, Lot 21
be and the same is hereby: GRANTED site plan approval and bulk variances add a two story addition to the rear of the existing one story one family house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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 site plan approval and bulk variances add a two story addition to the rear of the existing one story one family house for premises located at 55 Mountainside Terrace, Block 22.02, Lot 21; and

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

- a. The applicant proposes a 2 story addition the rear of his home; and
- b. The addition will contain a crawl space on the ground level, while the first level will be reconstructed, and the second level will contain bedrooms, bathrooms, and a laundry room; and
- c. The applicant provided testimony that many of the variances requested are already in existence; and
- d. The application was previously heard by the Board and approved at that time but, due to personal reasons, the applicant was unable to complete construction and has returned seeking approvals, as prior approvals have lapsed; and
- e. The proposed construction will provide the applicant with necessary upgrades to his home, and is in line with the character and type of additions constructed in other neighboring properties; and
- f. The application requires a lot area variance, as 5,000 sq ft is required and 3,750 sq ft exist and is proposed; and
- g. The application requires a lot frontage variance, as 50 ft is required and 37.5 ft exists and is proposed; and

- h. The proposed construction requires a front yard setback variance, as the front yard setbacks exist and are proposed at 7.91' where 25' is required; and
- i. The proposed construction requires a side yard setback variance, as the side yard setback exists and is proposed at 3.97' where 6' is required; and
- j. The proposed construction requires a combined yard setback variance, as the combined yard setback exists and is proposed at 14.76' where 16' is required; and
- k. The proposed construction requires a lot coverage variance, as lot coverage of 27.3% exists, 32.05% is proposed, and 27% is permitted; and
- l. The applicant provided adequate testimony demonstrating the need for such variances as the proposed construction will improve his use of the property; and
- m. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- n. 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 site plan approval and bulk variances add a two story addition to the rear of the existing one story one family house for premises located at 55 Mountainside Terrace, Block 22.02, Lot 21, 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. If applicable, 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.
- 2. 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.
- 3. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
- 4. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
- 5. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
- 6. Payment of any other fees due to the City of Clifton related to development or use of this project.
- 7. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
- 8. Hudson Essex Passaic Soil Conservation District approval or waiver.
- 9. 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.

10. 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.
11. 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.
12. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
13. All utilities to be constructed underground.
14. All temporary encroachments into the public right-of-way shall require City Council approval.
15. 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.
16. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
17. 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.
18. 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.
19. 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.
20. 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

Comr. MAUREEN O'CONNOR

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

MEETING OF DECEMBER 6, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **MOHAMMAD JUBRAN**
for premises known as: **435 Lakeview Avenue- Block 1.10, Lot 35**
be and the same is hereby: **GRANTED** variances and approvals to use of the attic by the first floor apartment.

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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 and approvals to use of the attic by the first floor apartment for premises located at 435 Lakeview Avenue- Block 1.10, Lot 35; and

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

- a. The application at hand was previously heard by the Board during its July 19, 2023 regular meeting ; and
- b. The prior application proposed a three fixture basement bathroom, and requested a variance to permit the finished attic to serve the first floor apartment; and
- c. The Board heard the application and made its determination related to the variances sought related to the basement bathroom, and no testimony was taken related to attic; and
- d. The basis of the Board's denial was related to the basement bathroom; and
- e. The applicant has revised his application and sought a res judicata determination on the basis that the application was substantially different as the applicant now proposes a two fixture bathroom, and the permanent closure of one of two basement exterior access points; and
- f. The application includes the requests for variances related to the attic; and
- g. The Board unanimously rejected the request to hear the application related to the variances requested for the basement bathroom on the grounds that such portion of the application is not substantially different from the prior application heard by the Board; and

- h. The Board granted the applicant's request to bifurcate the request for variances related to the attic, as prior testimony was not heard or considered related to same; and
- i. In addition to the variances requested, the applicant seeks that a Certificate of Occupancy be issued for the attic; and
- j. The applicant testified that the home is a two family home, with one apartment on the first floor and one apartment on the second floor; and
- k. The applicant testified that the units share a common hallway, and that this common hallway provides the only access to the attic; and
- l. The applicant testified that the first floor apartment is occupied by the applicant's disabled parents, and that the first floor apartment contains inadequate storage capacity for the apartment, including the lack of closet space; and
- m. The applicant testified that the attic is finished but does not contain any heating, cooling, plumbing, or electric; and
- n. The sole purpose of finishing the attic is to provide storage space for the first floor apartment; and
- o. The tenants of the first floor apartment can access the attic with use of the common hallway; and
- p. The applicant provided adequate testimony demonstrating the need for such variances as the proposed construction will improve his use of the property; and
- q. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- r. The benefits of the application outweigh the detriments, if any; and
- s. The applicant's request for a Certificate of Occupancy for the attic should be granted based on the testimony provided; 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 and approvals to use of the attic by the first floor apartment for premises located at 435 Lakeview Avenue- Block 1.10, 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. 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.
2. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
3. Payment of any other fees due to the City of Clifton related to development or use of this project.
4. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
5. 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.
6. 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.
7. All temporary encroachments into the public right-of-way shall require City Council approval.
8. 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.
9. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
10. 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.
11. 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.
12. 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

Comr. MAUREEN O'CONNOR

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

MEETING OF DECEMBER 6, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: S&J SUNNY REALTY IV LLC
for premises known as: 2 Broad Street, Block 14.06, Lot 2
be and the same is hereby: GRANTED site plan approval and variance relief in connection with the use of outdoor storage racks .**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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, Vice Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests site plan approval and variance relief in connection with the use of outdoor storage racks for premises located at 2 Broad Street, Block 14.06, Lot 2; and

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

- a. The subject property consists of a 103,763.8 square ft industrial warehouse building located in the M-2 District; and
- b. The applicant operates a wholesale business whereby materials, including building materials, are purchased by customers and delivered off-site; and
- c. The applicant utilizes three trucks which are stored on site. The box truck makes deliveries every day, while the two other trucks are utilized twice per month; and
- d. There are approximately 20 employees who work on site 5 days per week, Monday through Friday, 7 am to 6 pm; and
- e. The applicant proposes four (4), 7-foot-wide metal storage racks, that are seven (7) feet deep and 40, 90, 130, and 480 feet long. The racks will be 20 feet in height; and
- f. The outdoor storage racks will store building materials, including lumber and PVC; and
- g. The applicant proposes new retaining walls of 10 feet and 8 feet to be coordinated with an existing retaining wall near the property's border with the ROW of NJSH Route 19; and
- h. The applicant also proposes delineation of off-street parking and loading areas; and

- i. A d(1) use variance is required as the M-2 district only permits the storage of building materials in fully enclosed buildings, and the applicant is proposing outdoor storage racks for lumber; and
- j. Certain (c) variances are required due to outdoor storage in a required yard area; the location of the accessory structure within 60 feet of the front lot line; off-street parking proposed in the front yard; and parking is proposed directly on the side property line; and
- k. The applicant provided testimony regarding the positive criteria, including special reasons, such that the site is particularly suited for the use; and
- l. The applicant provided testimony regarding the negative criteria including proof that the use will not substantially impair the intent and purpose of the zone plan, and is not inconsistent with the purpose of the master plan; and
- m. The applicant has shown sufficient hardship to justify the grant of the variances requested, as well as that approval of the application will advance the purpose of the Municipal Land Use Law (“MLUL”), including the promotion of the efficient use of the land;
- n. 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
- o. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- p. The benefits of the application outweigh the detriments, if any; and
- q. As a condition of approval, the Board instituted the following stipulations:
 - 1. The three parking spaces in the front of the area along Broad Street will be moved to another location on the site, with subsequent landscaping placed.
 - 2. The front racks (130 feet long) will hold lumber only.

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 site plan approval and variance relief in connection with the use of outdoor storage racks for premises located at 2 Broad Street, Block 14.06, Lot 2, 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. 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.
4. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
5. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
6. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
7. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
8. Payment of any other fees due to the City of Clifton related to development or use of this project.
9. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
10. Passaic County Planning Board approval or waiver, if required.
11. Hudson Essex Passaic Soil Conservation District approval or waiver, if required.
12. 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.
13. 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.
14. 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.
15. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
16. All utilities to be constructed underground.
17. All temporary encroachments into the public right-of-way shall require City Council approval.
18. 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.
19. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
20. 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.
21. 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.
22. 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.

23. 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:

Vice Chrmn GERARD SCORZIELLO

Comr. SCOTT SOCHON

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

MEETING OF DECEMBER 6, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AMERICAN ANALYTICAL ASSOCIATION INC.
for premises known as: 245-247 Parker Ave., Block 4.16, Lots 31&33
be and the same is hereby: GRANTED amended preliminary and final site plan approval and variance relief in connection with as built conditions for an eighteen (18) unit residential building with three (3) stories and three (3) commercial retail spaces.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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 amended preliminary and final site plan approval and variance relief in connection with as built conditions for an eighteen (18) unit residential building with three (3) stories and three (3) commercial retail spaces for premises located at 245-247 Parker Ave., Block 4.16, Lots 31&33; and

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

- a. The subject site is known as Block 4.16, Lots 31 & 33, encompassing 12,125 sq. ft. The subject site is located on the corner of Parker Avenue and Center Street in the PD-1 District; and
- b. The applicant previously received “d(1)” variance approval in 2018 to permit a three-story, mixed-use building consisting of retail spaces, 18 apartments and off-street parking. The building is under construction; and
- c. This application is a result of plan modifications that: modify the building footprint; modify the number of bedrooms; added a fitness area; reduced the size of the courtyard area; and façade changes; and
- d. The property will consist of 14 one bedroom apartments and 4 two bedroom apartments, an elevator, enclosed stairwell, and fitness center; and
- e. The applicant seeks a d(1) use variance as only one principal use per lot is permitted and two (2) principal uses are proposed (retail and residential), and mixed-use and residential uses are not permitted in the PD-1 district; and
- f. The applicant seeks a “d(6)” height variance as a maximum building height of 36 feet is proposed and a maximum height of 30 feet is permitted; and

- g. Certain (c) variances are required due to the fact that 3 stories are proposed where 2 are permitted; lot coverage of 90% is permitted and coverage in excess of 90% is proposed; rear yard setback is proposed at 5 feet where 10 feet is required; and parking spots will be smaller than the required 9 feet by 19 feet; and
- h. The applicant provided testimony regarding the positive criteria, including special reasons, such that the site is particularly suited for the use; and
- i. The applicant provided testimony regarding the negative criteria including proof that the use will not substantially impair the intent and purpose of the zone plan, and is not inconsistent with the purpose of the master plan; and
- j. The applicant has shown sufficient hardship to justify the grant of the variances requested, as well as that approval of the application will advance purpose of the Municipal Land Use Law (“MLUL”), including the promotion of the efficient use of the land;
- k. Given that there will be no reduction to any parking related to any prior approvals, 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
- l. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- m. The benefits of the application outweigh the detriments, if any; and
- n. As a condition of approval, the Board instituted the following stipulations:
 - 1. The fitness center and parking shall be for residents only.

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 amended preliminary and final site plan approval and variance relief in connection with as built conditions for an eighteen (18) unit residential building with three (3) stories and three (3) commercial retail spaces for premises located 245-247 Parker Ave., Block 4.16, Lots 31&33, 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. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
4. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
5. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
6. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
7. Payment of any other fees due to the City of Clifton related to development or use of this project.
8. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
9. Passaic County Planning Board approval or waiver, if required.
10. Hudson Essex Passaic Soil Conservation District approval or waiver, if required.
11. 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.
12. 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.
13. 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.
14. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
15. All utilities to be constructed 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. 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.
21. Building permit applications if required 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.
22. 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, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF DECEMBER 6, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MJG-MAR REALTY, LLC
for premises known as: 42 Lakeview Ave., Block 14.06, Lot 2
be and the same is hereby: GRANTED Preliminary and Final Site Plan approval to change the use of the Property from a bowling alley business use to the proposed wholesale distribution center for motor vehicle parts and associated site improvements.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 6, 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 Vice Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests Preliminary and Final Site Plan approval to change the use of the Property from a bowling alley business use to the proposed wholesale distribution center for motor vehicle parts and associated site improvements for premises located at 42 Lakeview Ave., Block 14.06, Lot 2; and

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

- a. The current site consists of the former Garden Palace Bowling Alley building and off-street parking. The site encompasses 16,551.7 sq. ft. and is located in the B-C District; and
- b. The applicant was denied use variance and site plan approval in November of 2022, for a proposal that contained both retail and distribution components; and
- c. The applicant's current proposal is to utilize the existing building for a "wholesale distribution center for motor vehicle parts." Accordingly, the applicant has removed the entirety of the previously proposed retail use, the existence of which was the main basis for the Board's prior denial; and
- d. The Board considered the issue of res judicata and, upon unanimous approval, determined that substantial changes to the application exist, warranting a new hearing before the Board; and
- e. The entirety of the interior of the building on the site will contain racks for storage of auto parts which will be sold wholesale; and
- f. The site and business will not be open to the public; and

- g. The applicant is in the business of selling car parts, and the primary client is car shops and auto mechanics; and
- h. Loading bays will be open prior to the store opening, and the store will be open Monday through Saturday; and
- i. The property consists of an existing asphalt parking lot which is striped for 6 spaces. The asphalt parking lot will be milled, repaved, and striped for 6 spaces. This meets the parking requirements.;
- j. There is a door for deliveries on the southern side of the building. The applicant's experts provided testimony related to truck traffic and access to the loading and unloading area; and
- k. The applicant will install other site improvements such as landscaping and lighting, which shall be directed downward; and
- l. The applicant requires a d(1) use variance as that warehouse and distribution uses are not permitted in the B-C District; and
- m. The applicant also seeks the following (c) variances:
 - 1. Front yard setback variance, as 0 feet is existing and proposed while 5 feet is required; and
 - 2. Rear yard setback, as 0 feet is existing and proposed while 10 feet is required; and
 - 3. Maximum lot coverage of 70.9% is existing and proposed, while 60% is permitted; and
 - 4. Variance due to the positioning of off-street parking in relationship to the lot line. Such condition currently exists and is not changed by this application; and
 - 5. Loading space variance, as one loading space is required and no loading spaces are existing or proposed.
- n. The applicant provided testimony regarding the positive criteria, including special reasons, such that the site is particularly suited for the use, the proposed use is a less intense use, and the existing building will be retro-fitted to accommodate the use, which constitutes an adaptive re-use of a pre-existing lawfully constructed building; and
- o. The applicant provided testimony regarding the negative criteria including proof that the use will not substantially impair the intent and purpose of the zone plan, and is not inconsistent with the purpose of the master plan. The applicant demonstrated through the testimony of its planner that the application furthers goal #6 of the master plan; and

- p. The applicant has shown sufficient hardship to justify the grant of the variances requested based on the lawfully existing structure thereon and existing site conditions, as well as that approval of the application will advance purpose of the Municipal Land Use Law (“MLUL”), including the promotion of the efficient use of the land;
- q. Given that there will be no reduction to any parking related to any prior approvals, 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
- r. The benefits of the application outweigh the detriments, if any; and
- s. As a condition of approval, the Board instituted the following stipulations:
 - 1. One box truck shall be permitted on the property per day.
 - 2. The use shall be limited to wholesale auto part sales.
 - 3. The applicant shall place the HVAC units, which are currently adjacent to the building in proximity of the parking lot, on the building roof and will coordinate with the Board’s engineer regarding parking space striping and location.

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 use will be detrimental to the health, safety, and general welfare of the neighborhood, zone plan, master plan or City Ordinance;

NOW THEREFORE, BE IT RESOLVED that the application for Preliminary and Final Site Plan approval to change the use of the Property from a bowling alley business use to the proposed wholesale distribution center for motor vehicle parts and associated site improvements for premises located at 42 Lakeview Ave., Block 14.06, Lot 2, 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 any.
- 3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton with respect to any public improvements in accordance with the Municipal Land Use 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.
- 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, if required.

12. Hudson Essex Passaic Soil Conservation District approval or waiver, if required.
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 new 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:

Vice Chrmn. GERARD SCORZIELLO
Comr. MICHAEL MOLNER
Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, as its Planner for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 for a one-year term as per the annexed letter dated November 3, 2023, from Graviano & Gillis Architects & Planners, LLC; and to prepare the Annual Report for the Board for 2023.

Resolution moved by:

Seconded by:

Affirmed by:

Vice Chrmn. GERARD SCORZIELLO

Comr. SCOTT SOCHON

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



graviano & gillis architects & planners, llc
p.o. box 3341
long branch, nj 07740
tel: 732.816.4151
web: <http://graviano.com>

November 3, 2023

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

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

Dear Chairman Zecchino:

Please accept this letter of interest for the consulting planner position for the City of Clifton Zoning Board of Adjustment. Attached is a background of our experience and qualifications. Please feel free to contact our office with any questions. It was a pleasure serving the Board in 2022 and 2023, and I hope to serve again in 2024. My hourly rate for 2024 will be \$165.00 per hour.

Thank you,

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

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES, as its Engineer for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 for a one-year term as per the annexed letter dated November 3, 2023, from Graviano & Gillis Architects & Planners, LLC; and to prepare the Annual Report for the Board for 2023.

Resolution moved by:
Seconded by:
Affirmed by:

Vice Chrmn. GERARD SCORZIELLO
Comr. SCOTT SOCHON
Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES, as its Engineer for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 for a one-year term as per communication entitled “Neglia Group, Municipal Billing Rates 2024.”.

Resolution moved by:

Seconded by:

Affirmed by:

Comr. MICHAEL MOLNER

Comr. MAUREEN O’CONNOR

**Comrs. Alessia Eramo, Maureen O’Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES, as its Landscape Architect for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 for a one-year term as per communication entitled “Neglia Group, Municipal Billing Rates 2024.”.

Resolution moved by:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Vice Chrmn. GERARD SCORZIELLO

**Comrs. Alessia Eramo, Maureen O’Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints NEGLIA ENGINEERING ASSOCIATES, as its Traffic Consultant for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 for a one-year term as per communication entitled “Neglia Group, Municipal Billing Rates 2024.”.

Resolution moved by:

Seconded by:

Affirmed by:

Comr. MAUREEN O’CONNOR

Comr. SCOTT SOCHON

**Comrs. Alessia Eramo, Maureen O’Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MUNICIPAL BILLING RATES 2024

PRINCIPAL	\$199.00
SENIOR ENGINEER / SENIOR MANAGER/SR. PROF. PLANNER	\$195.00
PROFESSIONAL ENGINEER / PROJECT MANAGER	\$190.00
SENIOR DESIGN ENGINEER	\$175.00
DESIGN ENGINEER/ENVIRONMENTAL SCIENTIST	\$165.00
ENGINEERING ASSISTANT	\$105.00
PROFESSIONAL PLANNER	\$195.00
PROFESSIONAL LANDSCAPE ARCHITECT	\$175.00
LANDSCAPE DESIGN	\$135.00
COMPUTER AIDED DESIGNER	\$135.00
CONSTRUCTION MANAGER	\$160.00
RESIDENT ENGINEER	\$190.00
TECHNICAL OBSERVER	\$135.00
PROFESSIONAL SURVEYOR / PROJECT MANAGER	\$180.00
SURVEY PROJECT MANAGER	\$165.00
3 MAN SURVEY CREW	\$255.00
2 MAN SURVEY CREW	\$215.00
1 MAN SURVEY CREW (GPS AND EQUIPMENT)	\$195.00
CERTIFIED WETLAND DELINEATOR	\$195.00
LICENSED COLLECTION SYSTEM OPERATOR	\$180.00
DRONE PILOT AND VISUAL OBSERVER	\$230.00
DRONE EDITOR	\$165.00
GIS MANAGER	\$175.00
GIS SPECIALIST	\$155.00
GIS TECHNICIAN	\$105.00
REIMBURSABLE EXPENSES	
PAPER PRINTS (All Sizes)	\$ 4.00/sheet
MYLARS	\$30.00/sheet
COLOR PRINTS	\$65.00/sheet
PHOTOCOPIES (Black & White)	\$.25/page
PHOTOCOPIES (Color)	\$.40/page
MILEAGE (Federal Standard Mileage Rate)	\$.65.5/mile
SUB-CONSULTANTS	10% administrative fee

Notes:

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

LYNDHURST

34 Park Avenue
PO Box 426
Lyndhurst, NJ 07071
p: 201 939 8805 f: 201 939 0846

MOUNTAINSIDE

200 Central Avenue
Suite 102
Mountainside, NJ 07092
p: 201 939 8805 f: 732 943 7249

MEETING OF DECEMBER 6, 2023.

BE AND IT IS HEREBY RESOLVED that the Clifton Zoning Board of Adjustment hereby appoints LAURA A. CARUCCI, C.S.R., R.P.R, LLC, as its Certified Shorthand Reporter for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2024 , for a one-year term as per communication dated November 27, 2023.

Resolution moved by:
Seconded by:
Affirmed by:

Vice Chrmn. GERARD SCORZIELLO
Comr. MAUREEN O’CONNOR
Comrs. Alessia Eramo, Maureen O’Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.

Laura A. Carucci, C.C.R., R.P.R., L.L.C.
Certified Court Reporters
P.O. Box 505
Saddle Brook, New Jersey 07663
(201) 641-1812
LauraACarucciLLC@gmail.com

November 27, 2023
City of Clifton
Zoning Board of Adjustment
900 Clifton Avenue
Clifton, New Jersey 078613

Attn: Chairman Zecchino, Vice Chairman and Board Members

Re: Professional Certified Court Reporting Services for 2024

Dear Chairman and Board Members:

I hope everyone had a wonderful Thanksgiving. As the end of the year is quickly approaching, I would like to take this opportunity to thank the board for allowing us to provide our professional services to you again this year.

I would love to continue providing the board with the most current state-of-the-art court reporting services for the upcoming year.

I am continuing Professional Services into 2024 at the same rates as 2023.

The appearance fee for regular meetings is \$275.00. This includes the appearance of the Certified Court Reporter providing professional services for the first three hours of the meeting. Overtime will be charged at \$50.00 per half hour (or part thereof) after the initial three hours. These fees has stayed the same for more than a decade.

The appearance fee for Special Meetings would be a flat rate of \$375.00.

Transcripts will be prepared, upon request, at a cost of \$8.50 per page for applicants and interested parties.

I am excited to offer the enhanced technology of digital certification pages on PDF transcripts of proceedings which are accepted in Superior Court as an official certified record.

Sincerely,



Laura A. Carucci, CCR, RPR