

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, December 20, 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

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| 1.
Variances | EDGAR
TORRES | 20 Spencer Ave., Block 42.04, Lot 12 – RB2 – The applicant is proposing a rear yard single story addition. Addition is proposed 20' from rear lot line where 35' is required. |
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The applicant, residing at 20 Spencer Ave., Clifton, New Jersey was present and sworn. Also present was Gerardo Osorio, GML Design, 46 Irene Ct., Closter, NJ 07624, an architect There were no objectors.

Chrmn Zecchino confirmed with Ms. Bolcato that the application was before the Board and approved during its meeting on September 4, 2019. The applicant advised that COVID-19 prevented the completion of construction.

Mr. Osorio stated that the plans are generally the same for the 2019 application. The applicant seeks to construct a one story addition in the rear of the home for living space, and this encroaches on the rear setback, requiring the variance. The purpose of the addition is for additional living space.

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. 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.

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. Scott Sochon, 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 Resolution GRANTING the application of NELI RIVERA 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, was adopted.
2. Upon motion made by Comr. Michael Molner, 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 Resolution GRANTING the application of SKENDER KOKAJ 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, was adopted.

3. Upon motion made by Comr. Michael Molner, 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 Resolution GRANTING the application of MOHAMMAD JUBRAN seeking 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, was adopted.
4. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of S&J SUNNY REALTY IV LLC 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, 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, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of AMERICAN ANALYTICAL ASSOCIATION INC. 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 at 245-247 Parker Ave., Block 14.06, Lot 2, was adopted.
6. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Michael Molner, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MJG-MAR REALTY, LLC. 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, was adopted.
7. 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 Resolution AFFIRMING the Legal Notice listing all Clifton Zoning Board of Adjustment hearing dates for the calendar year 2024, was adopted.
8. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution APPOINTING GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, as its Planner for the Clifton Zoning Board of Adjustment for the calendar year 2024 and prepare the Annual Report for the Board for 2023, was adopted.

9. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Engineer for the Clifton Zoning Board of Adjustment for the calendar year 2024, was adopted.
10. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Landscape Architect for the Clifton Zoning Board of Adjustment for the calendar year 2024, was adopted.
11. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution APPOINTING NEGLIA ENGINEERING ASSOCIATES as its Traffic Consultant for the Clifton Zoning Board of Adjustment for the calendar year 2024, was adopted.
12. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution APPOINTING LAURA A. CARUCCI, CSR, RPR, LLC as its Certified Shorthand Reporter for the Clifton Zoning Board of Adjustment for the calendar year 2024, was adopted.

ADOPTION OF 2022 ANNUAL REPORT

Chrmn. Zecchino announced that the next order of business would be the adoption of the 2022 Annual Report prepared by Graviano & Gillis Architects & Planners, LLC dated December 8, 2023.

After a review of the report, Comr. Scott Sochon moved to approve the 2022 Annual Report, with the recommendation as set forth on the first page of the report to the Mayor and Municipal Council of the City of Clifton. The motion was seconded by Comr. Maureen O'Connor. Voting in the affirmative 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 2022 Annual Report 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. Counsel Secretary. Comr. Michael Molner nominated JESSICA L. SWEET, ESQ. of SWEET & BENNETT, LLC as Counsel Secretary. The motion was seconded by Comr. Maureen O'Connor. There were no other nominations, and JESSICA L. SWEET, ESQ. of SWEET & BENNETT, LLC was unanimously elected as Counsel Secretary to the Zoning Board of Adjustment for the calendar year 2024, for a one-year term as per communication entitled RFQ dated November 28, 2023.

2. Special Counsel for Litigation. Vice Chrmn Gerard Scorziello nominated JOHN D. POGORELEC, ESQ. of JOHN D. POGORELEC, LLC as Special Counsel for Litigation for the presently ongoing lawsuits in the matters of TJF HAZEL, LLC. The motion was seconded by Comr. Scott Sochon. There were no other nominations and John D. Pogorelec, Esq. of John D. Pogorelec, LLC was unanimously elected as Special Counsel for Litigation to the Zoning Board of Adjustment to complete the ongoing lawsuits in the matter of TJF HAZEL, LLC and for any future litigation matters which occur from time to time for the calendar year 2024, for a one-year term at an hourly rate of \$175.00 per hour.

Thereafter, upon motion made by Comr. Maureen O'Connor, seconded by Vice Chrmn Gerard Scorziello, the Minutes of the December 6, 2023 regular meeting and December 18, 2023 special meeting were adopted with the unanimous approval of the entire Board.

Chrmn Zecchino expressed his thanks and support to Comr. Zalman Gurkov for his service, and Ms. Morgese for her work this year with the Board.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF DECEMBER 20 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: EDGAR TORRES
for premises known as: 20 Spencer Avenue, Block 42.04, Lot 12
be and the same is hereby: GRANTED rear yard setback variances for a rear single-story addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on December 20, 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 rear yard setback variance for a single story addition at premises located at 20 Spencer Avenue, Block 42.04, Lot 12, which premises are located in the RB2 zone; and

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

- a. The applicant proposes a single story addition to the rear of the subject premises; and
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 20 feet; and
- c. The purpose of the addition is for the addition of living space; and
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for rear yard setback variance for a single story addition at premises located at 20 Spencer Avenue, Block 42.04, Lot 12, 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. The applicant shall make all commercially reasonable efforts to construct utilities 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. 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 20, 2023.

2024
RESOLUTION APPOINTING
JESSICA SWEET, ESQ. OF
SWEET & BENNET LLC
AS COUNSEL SECRETARY FOR THE
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF CLIFTON

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

WHEREAS, the Zoning Board is desirous of appointing Jessica Sweet, Esq., of Sweet & Bennett LLC as its Counsel Secretary and entering into a contract with her for her services as an independent contractor; and

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

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

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

BE IT FURTHER RESOLVED that the said appointing Jessica Sweet, Esq., of Sweet & Bennett LLC, be and she is hereby appointed defense counsel in all actions filed in the Superior Court, Law Division, Appellate Division, and the Supreme Court where the Board denies the relief requested to the applicant, and the applicant challenges the decision of the Zoning Board of Adjustment; and

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

BE IT FURTHER RESOLVED that the said appointing Jessica Sweet, Esq., of Sweet & Bennett LLC is authorized to prepare deed restrictions imposed by the Board at the expense of the applicant and file same with the Passaic County Clerk, Registry Division; and

BE IT FURTHER RESOLVED that the said appointing Jessica Sweet, Esq., of Sweet Bennett LLC shall be entitled to be compensated at a rate to be determined for each regular meeting scheduled by the Board and for the time expended in defending lawsuits on behalf of the Zoning Board as aforesaid; and attending special meetings called by the Board, to be paid by the applicant from an escrow fund deposited with the City of Clifton; and

BE IT FURTHER RESOLVED that the Chairman and Vice-Chairman were hereby authorized and directed to execute the agreement to be prepared with appointing Jessica Sweet, Esq., of Sweet Bennett LLC; and

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

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

Resolution moved by:

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 20, 2023.

2024
RESOLUTION APPOINTING
JOHN D. POGORELEC, ESQ.
AS SPECIAL COUNSEL FOR LITIGATION FOR THE
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF CLIFTON

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

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

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

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

WHEREAS, since the time of the previous Resolution, there is one outstanding litigation matter:

a. TJF HAZEL, LLC VS. CITY OF CLIFTON ZONING BOARD OF ADJUSTMENT, Superior Court of New Jersey, Law Division, Passaic County, bearing Docket No. PAS-L-003197-22, 252 Hazel Street and 237 West Third Street, Block 16.11, Lots 1 and 2, which application was denied by the Board on October 19, 2022, for a three story mid-rise 54-unit multi-family residential building; and

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

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

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

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

BE IT FURTHER RESOLVED that the reasons for such appointment are that he has served the Board as Counsel Secretary from 1975 to 2022 and as Special Counsel for Litigation since 2023; that he is familiar with the record established before the Board; that he is familiar with any particular evidence issues for these matters; and that he has provided legal counsel to the Board in making its decisions; and

BE IT FURTHER RESOLVED that the said John D. Pogorelec, Esq., shall be compensated at the rate of One Hundred Seventy-Five (\$175.00) Dollars per hour for the time expended defending the aforesaid lawsuits and any other lawsuits on behalf of the Zoning Board; and

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

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

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

Resolution moved by:
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.