

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, January 4, 2023. Chrnm 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. Chrnm 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 GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO AND CHRMN MARK ZECCHINO.

ABSENT: COMR JASKIEL.

Chrnm 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.

Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, the Minutes of the December 21, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

REORGANIZATION MEETING

At the reorganization meeting conducted by the Board, Comr George Silva nominated Comr Mark Zecchino for the position of Chairman. The motion was seconded by Comr George Foukas. There were no other nominations. Chrnm Zecchino accepted the nomination, and he was unanimously elected as Chairman of the Zoning Board of Adjustment for the calendar year 2023 for a one-year term.

For the position of Vice-Chairman, Comr George Foukas nominated Comr Gerard Scorziello for the position of Vice-Chairman. The motion was seconded by Comr Scott Sochon. There were no other nominations. Vice-Chairman Scorziello accepted the nomination, and he was unanimously elected as Vice-Chairman of the Zoning Board of Adjustment for the calendar year 2023 for a one-year term.

REMANDED HEARING

1. **JOHN RADER**, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – Site plan approval required to remove the existing MOONEY AUTO REPAIR GARAGE, to enlarge the building housing the existing DUNKIN DONUTS building, to create an additional store, two vestibule entrances to the two stores and a drive-in facility. A bulk variance is required to permit the use of lighting other than the ordinance required high-pressure sodium lighting, because it is no longer manufactured. A use variance is required to permit the drive-in window. All other nonconformities are pre-existing and do not required variances. DENIED DECEMBER 2, 2022 – COURT-ORDERED REMAND.

This matter was continued without date.

CONTINUED HEARINGS

1. **522 VALLEY ESTATES LLC**, 522 Valley Road, Block 32.01, Lot 12 – Steep Slope District – Preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief (the “Application”) by 522 Valley Estates LLC (the “Applicant”) with respect to the property having a street address of 522 Valley Road, Clifton, New Jersey 07013, and being designated as Block 32.01, Lot 12 on the City of Clifton Tax Map (the “Property”). The Property is located in the Steep Slope Zoning District.

The Applicant seeks approval to demolish the existing building and raze the Property and construct a new residential complex consisting of 21 townhouse dwelling units within three (3) separate buildings, along with related site improvements, including but not limited to parking, landscaping, and lighting. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (35 ft. permitted; 42.75 feet proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c), including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed). The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

This matter was previously continued by the Board to the February 15, 2023 meeting of the Board.

2.
Use Variance;
Variances

WALBRI PROPERTIES, LLC, 1 & 9 Walnut Street, Block 37.04, Lots 9 and 13 – M2 – An Application for development has been submitted for property located at 1 & 9 Walnut Street, Clifton, NJ; and also located at Interior Brighton Ave., City of Passaic NJ, Block 3245.03, Lot 10, Zone designation as C.

The purpose of the Application and the Project is for the development of the property & to combine the use of all 3 lots, to demolish the old pavement on the properties, and to construct a new 7,442 square foot 1 story 33.6 foot high commercial flex multi-tenant warehouse building on what is currently identified as Lot 9 and part of Lot 13, with 9 parking spaces, including 1 handicapped space on the remaining part of Lot 13 and on Lot 10.

The application in question requires the following approval/relief from the City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance:

Variances for: 1] Allowing “d(3)” conditional use variances, pursuant to N.J.S.A. 40:55-D-70.d (3), in that there is a deviation from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C. 40:55D-67) pertaining to a conditional use and based upon the requirements set forth in Clifton Code Section 461-36.E. and because the Applicant does not meet the following conditions, variances are required as to the following: (1) The frontage and principal access to such use shall be located on a collector or arterial street (as defined under Chapter 399, Subdivision of Land) not less than 60 feet in width; and (2) The frontage of the lot on which such use is proposed to be located shall not be within 1/2 miles of a public or parochial school or public park or playground which abuts the same street as the proposed truck terminal, transfer station, or warehouse fronts, except State Highway Route No. 3 and Route No. 46, measured along the center line of said street; and (3) The use shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and (4) The use shall meet the area, height and bulk requirements for industrial plants in an M-2 District and shall meet the off-street parking, loading and unloading, and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District; and allowing any other d(3) conditional use variances that may be required pursuant to N.J.S.A. 40:55D-70.d (3), for any other deviations from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C. 40:55D-67) pertaining to the conditional use of the proposed building and use on the subject property; 2] Front Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a front yard setback of 20 feet is required and front yard setback of three (3) feet is proposed; 3] Rear Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a rear yard setback of 40 feet is required and rear yard setback of four (4) feet is proposed; 4] Side Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a side yard setback of 16.8 feet is required and side yard setback of four (4) feet is proposed;

5] From City of Clifton Code Section 461-60.E in that parking shall not be permitted in the required front yard and parking in the required front yard is proposed; 6] From City of Clifton Code Section 461-60.F in that: “off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line and the proposed parking lot does not meet ten (10) feet on the rear property line at approximately one (1) feet and in the rear and side parking lot setbacks, and the proposed lot is also less than five (5) feet at the front yard setback requirement; 7] All setback areas shall be adequately landscaped; and 8] preliminary and final site plan approval with associated “c” and “d” variances; 9] Granting all other relief, waivers, variances, and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:

Variances for: 1] For site plan approval; 2] The Passaic City portion to be developed as a parking lot with a portion of the Ingress and egress into the property, and 3] Granting all other relief, waivers, variance and approvals that may be required or may be raised during the course of the hearing.

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

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| 3.
Use Variance;
Variances | EMB 561 LLC , 561 Van Houten Avenue, Block 43.04, Lot 8 – BC – Preliminary and Final site plan approval; use variance approval; bulk variances from Section 461-13 for pre-existing non-conformities consisting of minimum front yard and minimum side yard/each, which none of the pre-existing non-conformities are being increased or changed; and any other variance, waiver, or other relief, if necessary, from the requirements of the Clifton Zoning code to permit the Applicant to convert the existing mixed use building into a multi-family apartment dwelling consisting of 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor. |
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This matter was previously continued by the Board to the January 18, 2023 meeting of the Board.

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| 4.
Use Variance;
Variances | 833 CLIFTON AVE PARTNERS, LLC , 833 Clifton Avenue, Block 35.07, Lot 1 – BC – Preliminary and final site plan approval, use variance, bulk variances and exterior LED lighting. The applicant seeks approval to construct a 3-story residential apartment building containing 26 one-bedroom units. Any and all additional variances that may be required. |
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This matter was previously continued by the Board to the January 18, 2023 meeting of the Board.

5.
Use Variance;
Variances

MESIVTA OF CLIFTON, INC., 294 Main Avenue, Block 59.10, Lots 1, 3, 29 and 30 - B-B - Applicant is requesting relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision of the Municipal Code of the City of Clifton necessary for approval of the application to demolish 3 existing buildings fronting on 294 Main Avenue, Clifton, New Jersey, and to replace these buildings with one two-story building (15,284 square foot building footprint) consisting of classrooms and school facilities, and to expand the school dormitory which is an existing building at the rear of the property and to consolidate all of the lots. The property is located in a B-B neighborhood Retail Business Zone. The variances sought are for the proposed use, maximum lot coverage, front yard setback, rear lot setback, building height, sideyard setback, parking spaces, and parking location, and any and all other variances or waivers required for property.

Henry Walentowicz, Esq., of Celentano, Stadtmauer & Walentowicz, LLP, with offices at 1035 Route 46 East, Suite B208, Clifton, New Jersey 07013, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Arthur Kuyon, P.E., Stonefield Engineering & Design, 92 Park Avenue, Rutherford, New Jersey, an engineer; John R. Corak, PE, Stonefield Engineering & Design, 92 Park Avenue, Rutherford, New Jersey, a traffic engineer; Yaakov Weiss of Bienenfeld Architecture, 271 North Avenue, Suite 613, New Rochelle, NY 10801, an architect; Frank D. Mileto, AIA, PP, of Mileto-Godsall Associates LLC, 14 Beaver Brook Drive, Long Valley, NJ, a planner; and Rabbi Moshe Halberstadt, 36 Barry Place, Passaic, New Jersey.

The following objectors were present and sworn: Beverly and Henry Cholewczynski, 35 Homer Street; Gary and Michelle Gallagher, 44 Homer Street; Payam and Carmen Goodarzi, 46 Homer Street; and Natalia Oldakowski, 134 Cherry Street, all of the City of Clifton, New Jersey.

This is a continued hearing from the meeting of December 7, 2022.

Mr. Walentowicz summarized the prior testimony from December 7, 2022, where the architect, engineer, and traffic engineer testified. He advised that the engineer and traffic engineer were present and available for questions. Additional testimony would come from Rabbi Halberstadt on current use, proposed use, and future use, and Frank Mileto regarding planning.

Rabbi Halbertstadt testified that it was his fifth occasion before the Board. He provided an overview of school operations and testified that a majority of students arrive by carpool, while others will walk, bike, etc. to school. At any one time, there is a maximum of 8 carpools. He stated that there is not a consistent or unified dismissal time. He testified that the school is currently operating and that there are not more than 4 teachers present at a time. He stated that there is a rule that you are not allowed to bring a car to school as a car is considered a distraction.

The Rabbi testified that they are not proposing a new situation – the school has always been there and has operated as a school and a form for a number of years, and that they have always been good neighbors. He stated that the students do not have behavioral issues, including alcohol or other activities. The Rabbi testified that the school is very exclusive and currently enrolls 120 young, energetic men. The application is meant to enhance the schools programming, while slightly increasing enrollment.

The Rabbi testified that the school is a secondary school, with students attending in grades 9 through 12 and continuing into 3 years of postgraduate education. He classified the application as a “relocation” as opposed to an “addition”. The goal is to create a building which is one side high school, another side post-graduate.

Chrmn Zecchino inquired as to the timing of student pick ups and drop offs.

The Rabbi testified that some students arrive at 7:15, while others arrive at 7:45 a.m.

Comr Molner stated that he has lived near the school his whole life and stated that the students are gentlemen. He asked the Rabbi how the school will enforce the no car rule and what will happen if a student parks in a neighborhood.

The Rabbi testified that when someone is absent, he needs to account for his whereabouts. He stated that the school is very prestigious and exclusive and that no student would risk losing his spot to have a car. The Rabbi testified that in 7 years, no one has complained to him about someone parking in front of their house.

Comr Sochon asked how the Board will know things will not change in the future.

The Rabbi testified that the program will not change, as the design does not allow for a larger school.

Objector Henry Cholewczynski asked the Rabbi about the number of students attending the school, whether the applicant would consider reducing the size of the building, the student's use of the playground, permeable asphalt, and the reason for increasing the enrollment

The Rabbi testified that the increase in enrollment will account for 20 students per class – 80 high school students, and 60 post high school students. He stated that the school was designed to meet the needs for operation and the size could not be reduced. He disputed the accounts regarding student's conduct on the playground, and stated that an increased enrollment will enhance the program offered to all students.

Objector Payam Goodarzi asked the Rabbi how he intends to monitor and enforce cars parked on campus, why the number of students who come by car has changed, about the plan for staggered drop-offs, the difference between the Applicant and Yeshiva, and clarity on the pick ups and drop offs.

The Rabbi testified that it is a full time program and if someone is missing from the school, they can figure out. He testified that the school enforces a moral code. He testified that there will be a maximum of 8 carpools (2 of them for teachers) on Sunday through Friday. The Rabbi testified that the Yeshiva school is massive and has over 2500 students. He testified that 69 students live on campus.

Objector Michelle Gallagher asked about the number and frequency of deliveries. She also asked about where drop offs will occur.

The Rabbi testified that there will be 3 trucks per week, and 1 truck every other week. The Rabbi testified that when they received original approvals, one of the conditions was that students needed to be dropped off on Cherry Street as it was safer.

Chrmn Zecchino stated that the site plan shows cars going into the property, and inquired if the applicant will allow pick up and drop off on Main Avenue.

Objector Carmen Goodarzi inquired about the security on the grounds, cameras, etc. She stated that she has witnessed some bad behavior by students.

The Rabbi testified that there will be cameras and that the applicant is considering a gate to the entrance, but that the gate is not currently on the plans. He explained that students need fresh air and do hang out outside.

Vice-Chrmn Scorziello asked for clarification on "bad behavior".

The Board's planner, Nicholas Graviano asked if the Rabbi would consider providing community members the name and contact information for someone in the event of an issue.

Comr. Foukas stated that providing a contact would assist in enforcing the good neighbor policy

The Rabbi testified that they will have someone for the neighborhood to contact; there will be cameras; he offered to give his personal contact information to the neighbors.

Objector Natalia Oldakowski stated that she had contacted the Rabbi multiple times about trash, student behaviors, etc. but no one has gotten back to her. She asked how the Rabbi planned to ensure that these issues would be addressed. She also asked how long classes are and how many days per week, and how the applicant intends to navigate through traffic on Cherry street.

The Rabbi testified that there will be cameras. He stated that classes run Sunday through Friday until 12:30 p.m., and 2:00 p.m. on Sundays.

Objector Beverly Cholewczynski asked about students driving, support staff driving, traffic, deliveries, and the former school.

The Rabbi testified that high school students don't live on campus and either walk or bike. He advised that the size of the delivery trucks should remain the same.

Planner Frank Mileto testified that the application was to replace 4 buildings with 1 building. He testified that a school is an inherently beneficial use, but still stated that there are no negatives. He testified that this application would remove non-conforming uses, and the school provides appropriate transitional use between a residential area and nonresidential area. He testified that this is an opportunity to develop the lot, remove existing non-conforming uses, and benefit the community.

Mr. Graviano stated that there needs to be planning testimony demonstrating that there is no negative impact to the neighborhood despite a school being an inherently beneficial use.

Mr. Walentowicz stated that the benefits outweigh any negatives. He asked Mr. Mileto if the application can be approved without substantial detriment to the public good.

Mr. Mileto testified that the application can be granted without substantial impairment to the zoning plan or the public good. He testified that this plan lessens the detriments to the public.

Objector Natalia Oldakowski asked how the planner can find no detriment to the neighborhood as an area that did not previously flood now floods.

Vice-Chrmn Scorziello advised that questions of flooding were better suited for the Engineer.

Objector Henry Cholewczynski asked the planner when he spent time on Homer Street, the setbacks, and whether students were taken at their word.

Mr. Walentowicz objected to the questions as better suited for the engineer.

Mr. Graviano stated that both sides do not have setback concerns, or concerns with the locations of the driveway and building placement. He state that the design was approved by the County.

Objector Payam Goodarzi asked the planner if he has ever worked on a Project of this scale and how he can say no negative impact when he's never done a Project of this scale.

Mr. Walentowicz objected to the questions as better suited for the engineer.

The Board's Engineer, Brian Intindola, reviewed the permeable pavement. He explained that when applicant gets approval, they are subject to a layer of scrutiny as permeable pavement requires maintenance processes and these go into the management plan. If they don't follow the plan, they are in violation and the Zoning Officer is informed. There are yearly reports that are required to show they are in conformance. If someone were to seal the pavement, we would be able to see it.

Arthur Kuyon, the Engineer, who previously testified, returned for additional questions.

Objector Henry Cholewczynski asked about the permeability of the payment, gravel, flooding, whether a retention tank was under the property, and HVAC units.

Mr. Intindola responded that the applicant is meeting the standards for a major development regarding flooding and drainage and that the standards were updated in March 2021.

Objector Payam Goodarzi asked Mr. Kuyon if he has ever worked on a Project of this scale and how he can say flooding wont happen when he's never done a Project of this scale.

Mr. Kuyon testified that he has not completed a secondary school of this size, but has completed similar scale projects and that the applicant is complying with all regulations.

Comr. Molner stated that a previous parking lot did not follow Neglia's specifications, which are designed to hold more water than they had to do so previously. Comr Molner stated that the goal is to keep most water on the property and repair storm drains. Comr Molner also inquired if the applicant is working with the City Planner on façade issues.

Mr. Graviano responded that the applicant agreed to do so at the prior hearing.

The Objectors offered closing statements.

Objector Henry Cholewczynski expressed concern about size and future use; inadequate parking; security cameras and who is monitoring them; traffic flow; maintenance issues; recycling; garbage collection; permeable driveways; and truck turns.

Objector Carmen Goodarzi stated that she does not feel reassured about security and that cameras are useless if no one is monitoring them.

Objector Beverly Cholewczynski expressed concern regarding reporting bad behavior; overuse of the property; flooding; and accidents.

Objector Gary Gallagher expressed concern about truck issues, traffic, more people, staggered activity, length of construction and flooding.

Objector Payam Goodarzi stated he was surprised by the impartial bias displayed by the Board and that Community members should have the right to have an opinion. He expressed disappointment over the testimony.

Objector Michelle Gallagher stated this application does impact the community due to congestion, deliveries, and trucks; and the fact that the property is not currently cared for.

Interested Party Abraham Isman thanked the neighbors for participating, and the Board for hearing the application. He disputed testimony of the objectors.

Objector Natalia Oldakowski expressed concern over the financial interest of the neighbors of the property.

Mr. Walentowicz gave a closing statement. He stated that recycling is part of the presentation and there has been testimony regarding a private garbage hauler. He stated that the roof would be camouflaged and there is a small setback. He explained that the engineer has testified about less traffic and that any changes have to come before the Board.

Comr. Gurkov thanked all and stated that we must rely on the professionals.

The Comrs discussed various stipulations including: private contractor for garbage removal; established recycling plan; security on site and camera system which is monitored; inspect and clean sanitary and storm drains; applicant to take care of storm drainage; applicant will coordinate with the City to see what needs to be done regarding sanitary drainage; that students will not have cars on campus and students cannot be unloaded or loaded on public streets; the applicant will work with the City Planner on façade renovations; and the Rabbi will make his personal cell phone available to interested parties.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application, with the noted stipulations, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello.

Voting for approval were Comrs Zalman Gurkov, Comr. George Silva, Comr, Scott Sochon, Comr. Michael Molner, Comr. George Foukas, Vice Chrmn Gerard Scorziello; and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was granted in the form as more fully appears at the end of these Minutes.

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

NEW HEARINGS

1. **MARK LASKY**, 822 Passaic Avenue, Block 81.01, Lot C6 – PD-HC-
Bulk: 4,151 s.f. of minimum lot area where 40,000 s.f. is required;
43.04’ for minimum lot width where 200’ is required; 100’ of
Use Variance minimum lot depth where 200’ is required 45’ front yard setback
where 50’ is required; 5’ rear yard where 50’ is required; Use: A
private automobile garage where the permitted uses are only retail,
services, office, financial, sit down restaurants and indoor recreation
facilities; and such further and other variances and waivers as may
become known.

At the request of the attorney for the applicant, this matter was continued by the Board until the January 18, 2023 meeting of the Board.

2. **DOUGLAS & LISA SMITH**, 133 Pershing Road, Block 41.12, Lot
15 – RA2 - The applicant is proposing a second story addition which
Variances requires the following variances: Rear yard setback proposed at 30’
where 35’ is required; Side yard setback proposed at 4.65’ where 6’ is
required; Combined side yard proposed at 11.65’ where 16’ is
required.

The applicant, residing at 133 Pershing Road, Clifton, New Jersey, was present and sworn. There were no objectors.

Vice-Chrmn Scorziello recused himself from participating in the matter.

Mr. Smith testified that he would like to construct a second story addition, and that such addition requires variance approvals for rear yard, side yard, and combined side yard setbacks. Mr. Smith stated that the addition will stay straight within existing boundaries.

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

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

3.
Amended Site Plan

CLIFTON ADULT OPPORTUNITY, 900 Clifton Ave., Block 35.01, Lot 2 - RA3 - The applicant is proposing to receive approval for an amended final site plan. This application comes after the applicant received approval on November 3, 2021 to construct an additional building on City Hall property to expand their present use. After approval, the applicant applied to the Historic Preservation Office, which is now requiring that the applicant change the roof style from a Gable roof to a Mansard roof. Under the Clifton ordinance, the height on these two roofs is calculated differently with the Gable roof calculated at its median point and the Mansard roof being calculated at its peak. Accordingly, the applicant resubmits this amended final site plan for approval based on the new height calculation despite the overall physical height of the building being less than the initial application. Everything else from the initial application remains the same and unchanged.

Dominic Iannarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Grace Lisbon, representative of the applicant, and Michael Kuybida, Architect. There were no objectors.

Mr. Iannarella testified that this matter was previously heard by the Board but is being brought back due to the Historic Preservation Office's decision to require a revised roof design. The revised roof design uses a Mansard Roof, which causes a change in the roof line. Mr. Iannarella testified that while the physical height of the structure is shorter than the initial site plan, the change in design alters the roof line calculation and results in a higher roof line. The rest of the site plan remains unchanged.

Mr. Iannarella offered the following exhibits:
A-1 Revised Site Plan dated January 4, 2023

Mr. Kuybida testified that the comparison of the roof design is contained in the side by side depicted in exhibit A-1. The original roof design is measure from the high point to the eaves, while the Mansard Roof design is measured to the highest part of the roof. The original roof design had an overall height of 35.1, while the revised roof design has a height of 32.8. Mr. Kuybida confirmed there are no other changes to the drawings.

Chrmn Mark Zecchino asked whether that the parapet with the Mansard Roof is more historic than what was originally proposed.

Comr. George Foukas stated that the height of the building is not increasing.

Mr. Iannarella stated that the height is decreasing because the parapet of the roof is not included.

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

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

4. **MIKHAIL KRESLAVSKIY**, 632 Bloomfield Ave., Block 50.06, Lot 15 - RA3 - The applicant is proposing a one-story addition which requires the following variances: Rear yard setback proposed at 18.10' where 35' is required; Side yard setback proposed at 4.2' where 6' is required; Lot coverage proposed at 27.63% where 27% is required.

The applicant, residing at 632 Bloomfield Ave, Clifton, New Jersey, was present and sworn. Also present and sworn was the applicant's daughter, Lena Kreslavskiy, residing in Alphretta, Georgia. There were no objectors.

Ms. Kreslavskiy testified that the Property is her parents house and that the home was remodeled a few years ago. Ms. Kreslavskiy testified that the addition is in the rear of the home and is for a 300 sq. ft. dining room to accommodate the applicant's large family.

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

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

5. **Wael Abdelsalam**, 67 Donna Drive, Block 47.05, Lot 27 - RA2 - The applicant is requesting a variance for a rear yard setback due to an already built deck which is 28.5' from the property line where 35' is required.

The applicant, residing at 67 Donna Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Abdelsalam testified that he had a deck built in the back yard of the Property in 2019, which is set back 3 feet from his fence. He testified that when the deck was built, he secured a permit but when he contacted the building department, they informed him that the permit had been lost and he built the deck any way. He stated that an inspector came for a roughing inspection and that the inspector instructed him to come before the Board.

Chrmn Mark Zecchino stated that he has driven past the property and that the deck is hidden and cannot be seen from the street.

Comr. Michael Molner inquired as to when the deck was built and whether and when permits were secured.

Comr. George Foukas stated that during the COVID-19 pandemic, it was common that permits were lost in the building department.

After a review of the testimony, Vice-Chrman Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Silva. Voting for approval were Comrs Zalman Gurkov, Comr. George Silva, Comr, Scott Sochon, Comr. George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino. Voting for denial were Comr. Michael Molner, citing that rules need to be followed. By a six to one vote, the motion carried and the application was granted in the form as more fully appears at the end of these Minutes.

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

6. **DANIEL & RACHEL BESSER**, 126 Allwood Place, Block 50.09, Lot 38 - RA2 - The applicant is proposing to make existing deck bigger which requires the following variance: Rear yard setback proposed at 23.4' where 35' is required.

The applicant, residing at 126 Allwood Place, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Besser testified that he seeks to rebuild his deck as his family is getting bigger. He testified that required additional deckage requiring a rear yard setback variance.

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

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

RESOLUTIONS

1. Upon motion made by Comr. Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of LISA RODRIGUEZ for a 5-foot-high solid fence on the northeast side of the home up to the corner of the house at 309 Brighton Road, Block 48.03, Lot 10 was adopted.

2. Upon motion made by Comr. Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of DAVID SEGAL for a rear addition at 18 Patricia Place, Block 71.01, Lot 4 was adopted.

3. Upon motion made by Comr. Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Approving the 2021 Annual Report of the Clifton Zoning Board of Adjustment dated December 3, 2022 prepared by GRAVIANO & GILLIS ARCHITECTS & PLANNERS LLC was adopted.

4. Upon motion made by Comr. Michael Molner and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing JACLYN MORGESE, ESQ., of CORNELL, MERLINO, MC KEEVER & OSBORNE as Counsel Secretary to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

5. Upon motion made by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing JOHN D. POGORELEC, ESQ., of LAW OFFICES OF JOHN D. POGORELEC, LLC as Special Counsel for Litigation to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

6. Upon motion made by Comr. Scott Sochon, and affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing NICHOLAS A. GRAVIANO, PP, AICP, JD of GRAVIANO & GILLIS ARCHITECTS & PLANNERS LLC as Planner to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

7. Upon motion made by Comr. Michael Molner and affirmed by affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing NEGLIA ENGINEERING ASSOCIATES as Engineer to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

8. Upon motion made by Comr. Zalman Gurkov and affirmed by affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing NEGLIA ENGINEERING ASSOCIATES as Landscape Architect to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

9. Upon motion made by Comr. Zalman Gurkov and affirmed by affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing NEGLIA ENGINEERING ASSOCIATES as Traffic Consultant to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

10. Upon motion made by Comr. George Silva and affirmed by affirmed by Comrs. Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Appointing LAURA A. CARUCCI, C.S.R., R.P.R., LLC as Certified Shorthand Reporter to the Clifton Zoning Board of Adjustment for the calendar year 2023 was adopted.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF JANUARY 4, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DOUGLAS & LISA SMITH for premises known as: 133 Pershing Road, Block 41.12, Lot 15 be and the same is hereby: GRANTED variance for a second story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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. Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variances to construct a second story addition for premises located at 133 Pershing Road, Block 41.12, Lot 15; and

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

- a. The applicant proposes to construct a second story addition which proposes a rear yard setback at 30' where 35' is required; a side yard setback at 4.65' where 6' is required; and a combined side yard at 11.65' where 16' is required; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. 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 to construct a second story addition at premises located at 133 Pershing Road, Block 41.12, Lot 15, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall required 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: Comr GEORGE FOUKAS
Seconded by: Comr GEORGE SILVA
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.

MEETING OF JANUARY 4, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CLIFTON ADULT OPPORTUNITY CENTER for premises known as: 900 Clifton Ave, Block 35.01, Lot 2 be and the same is hereby: GRANTED an amended final site plan.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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. Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests approval of an amended final site plan for premises located at 900 Clifton Ave, Block 35.01, Lot 2; and

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

- a. The applicant was previously heard by the Board regarding a roof design; and
- b. Following a change made by the Historic Preservation Society, the applicant is required to change the roof design and seeks to reflect that change in its amended site plan; and
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a second story addition at premises located at 900 Clifton Ave, Block 35.01, Lot 2, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for 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: Comr ZALMAN GURKOV
Seconded by: Comr GEORGE SILVA
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn and Chrmn Mark Zecchino.

MEETING OF JANUARY 4, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MIKHAIL KRESLAVSKIY for premises known as: 632 Bloomfield Ave, Block 50.06, Lot 15 be and the same is hereby: GRANTED variances to construct a one-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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. Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variances to construct a one story addition for premises located at 632 Bloomfield Ave, Block 50.06, Lot 15; and

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

- a. The applicant requests variances to construct a one story addition which proposes rear yard setback at 18.10' where 35' is required; Side yard setback at 4.2' where 6' is required; Lot coverage at 27.63% where 27% is required; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- c. 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 amended final site plan will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a second story addition at premises located at 632 Bloomfield Ave, Block 50.06, Lot 15, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for 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: Comr GEORGE FOUKAS
Seconded by: Comr GEORGE SILVA
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn and Chrmn Mark Zecchino.

MEETING OF JANUARY 4, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: Wael Abdelsalam for premises known as: 67 Donna Drive, Block 47.05, Lot 27 be and the same is hereby: GRANTED a variance for a rear yard setback due to an already built deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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 George Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests a rear yard setback variance for premises located at 67 Donna Drive, Block 47.05, Lot 27; and

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

a. The applicant requests a variance for a rear yard setback due to an already built deck which is 28.5' from the property line where 35' is required; and

b. The applicant has shown sufficient hardship to justify the grant of the variance requested; and

c. 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 amended final site plan will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a second story addition at premises located at 67 Donna Drive, Block 47.05, Lot 27, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for 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: Vice-Chrmn GERARD SCORZIELLO
Seconded by: Comr GEORGE SILVA
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF JANUARY 4, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL AND RACHEL BESSER for premises known as: 126 Allwood Place, Block 50.09, Lot 38 be and the same is hereby: GRANTED a variance for a rear yard to increase the size of an existing deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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 a variance to make existing deck bigger on the premises located at 126 Allwood Place, Block 50.09, Lot 38; and

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

a. The applicant seeks to make existing deck bigger which requires the following variance: Rear yard setback proposed at 23.4' where 35' is required; and

b. The applicant has shown sufficient hardship to justify the grant of the variance requested; and

c. 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 amended final site plan will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a second story addition at premises located at 126 Allwood Place, Block 50.09, Lot 38, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for 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: Comr SCOTT SOCHON
Seconded by: Vice-Chrmn GERARD SCORZIELLO
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF JANUARY 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MESVITA OF CLIFTON, INC.**
for premises known as: **294 Main Avenue, Block 59.10, Lot 1, 3, 29 and 30**
be and the same is hereby: **GRANTED** relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision necessary for approval of the application to demolish 3 existing buildings, to replace these buildings with one two-story building consisting of classrooms and school facilities, to expand the existing school dormitory, and to consolidate all of the lots.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 4, 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. Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests relief from any variances, approvals, waivers, and/or exemptions to construct a new school building located at 294 Main Avenue, Block 59.10, Lot 1, 3, 29 and 30; and

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

- a. The applicant demolish 3 existing buildings, to replace these buildings with one two-story building consisting of classrooms and school facilities; and
- b. The applicant proposes to expand the existing school dormitory; and
- c. The applicant seeks to consolidate all of the lots; and
- d. Such modifications require variances, approvals, waivers and/or exceptions; and
- e. The applicant has stipulated that:
 - i. The applicant will hire and utilize a private contractor for garbage removal;
 - ii. The applicant will establish a recycling plan;
 - iii. The applicant will have security on site;
 - iv. The applicant will have a monitored camera system;
 - v. The applicant will inspect, clean, and take care of all storm drainage;
 - vi. The applicant will inspect, clean, and coordinate with the City to address sanitary drainage;
 - vii. Students will not have cars on campus and cannot be unloaded or loaded on public streets;
 - viii. The applicant will work with the City Planner on façade renovations;
 - ix. Rabbi Halbertstadt will make his personal cellphone number available to neighbors in order to address any concerns; and
- f. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a second story addition at premises located at 294 Main Avenue, Block 59.10, Lot 1, 3, 29 and 30, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE APPLICANT HIRING AND UTILIZING A PRIVATE CONTRACTOR FOR GARBAGE REMOVAL; ESTABLISHING A RECYCLING PLAN; HAVING SECURITY ON SITE; HAVING A MONITORED CAMERA SYSTEM; INSPECTING, CLEANING, AND TAKING CARE OF ALL STORM DRAINAGE; WILL INSPECTING, CLEANING, AND COORDINATING WITH THE CITY TO ADDRESS SANITARY DRAINAGE; STUDENTS WILL NOT HAVE CARS ON CAMPUS AND CANNOT BE UNLOADED OR LOADED ON PUBLIC STREETS; THE APPLICANT WILL WORK WITH THE CITY PLANNER ON FAÇADE RENOVATIONS; AND RABBI HALBERTSTADT WILL MAKE HIS PERSONAL CELLPHONE NUMBER AVAILABLE TO NEIGHBORS IN ORDER TO ADDRESS ANY CONCERNS** 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.
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Resolution moved by: Comr ZALMAN GURKOV
Seconded by: Vice-Chrmn GERARD SCORZIELLO
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino.