

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, January 5, 2022. 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 applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS URI JASKIEL, GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, AND CHR MN MARK ZECCHINO.

ABSENT: VICE-CHRMN GERARD SCORZIELLO.

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the December 15, 2021, regular meeting were adopted with the unanimous approval of the entire Board.

#### **REORGANIZATION MEETING**

At the reorganization meeting conducted by the Board, Comr George Foukas nominated Comr Mark Zecchino for the position of Chairman. The motion was seconded by Comr George Silva. There were no other nominations. Chrmn Zecchino accepted the nomination, and he was unanimously elected as Chairman of the Zoning Board of Adjustment for the calendar year 2022 for a one-year term.

For the position of Vice-Chairman, Comr Scott Sochon nominated Comr Gerard Scorziello. The motion was seconded by Comr Louis DeStefano. There were no other nominations for the position. Vice-Chrmn Scorziello accepted the nomination, and he was unanimously elected as Vice-Chairman of the Zoning Board of Adjustment for the calendar year 2022 for a one-year term.

#### **CONTINUED HEARING**

1. **J & I CHIMICHANGA, LLC a/k/a**  
Use **EL MEXICANO CLIFTON**, 1293 Main  
Variance; Avenue, Block 11.07, Lot 16 – BC –  
Variances Variance application for expansion of  
existing restaurant for covered outdoor  
dining. The variances include rear yard  
proposed at 8' and 10' required. Left side  
yard proposed at 8" and 17'5" required  
(half the building height). Lot coverage  
proposed at 92% and 60% permitted.  
46 parking spaces required plus one per  
employee required and none provided.  
The restaurant has an existing, nonconforming

lot width and area. The Variance application is to permanently extend the current outdoor dining/drinking area further back into the parking lot area to their home site at 1293 Main Avenue, Clifton, NJ 07011, Block No. 11.07, Lot No. 16, located in the B-C business zone, Main Avenue Overlay District. Relief is requested to seek variance to extend the outdoor dining/drinking area further back into the parking lot area.

The subject property is located within the Business Zone. The subject property is located east of the Main Avenue and Hilton Street intersection. The property is bound by residential properties to the west, by Main Avenue to the east, and by commercial properties to the south and north. The Existing Lot is currently developed with an existing one-story building, an existing enclosed outdoor dining area and a temporary dining area behind the building. There will be noise dampening materials added to the structure to address the noise concerns.

This matter was previously continued to the January 19, 2022, meeting of the Board.

2.  
Prelim. &  
Final Major  
Site Plan

**BOTANY VILLAGE PROPERTY LLC,**  
254 Dayton Avenue, Block 4.18, Lot 21  
--PD1 – For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief. The property is located in a PD-1 Zoning District. The Applicant seeks approval to demolish the existing building on the Property and construct a new mixed-use building consisting of six (6) residential dwelling units within three (3) stories above ground floor commercial (restaurant/tavern) space and related site improvements. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for a non-permitted use, as residential use is not permitted in the PD-1 Zoning District and a height variance pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (30 ft. permitted; 40 ft. proposed). To the extent necessary, Applicant seeks a parking variance for providing less than required number of parking spaces and seeks a conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant further seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) with respect to (1) front yard setback less than required (15 ft. required; 0.37 ft. proposed); and (2) number of building stories greater than permitted (2 stories permitted; 4 stories proposed).

8

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 approval 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 continued by the Board to the February 16, 2022, meeting of the Board at the request of the attorney for the applicant.

3. **680 CLIFTON, LLC**, 680 Route 3, Block 80.01, Lot 70 & 30 – B-C –  
Use  
Variance;  
Variance

For Minor sub-division, bulk variance (pre-existing non-conformance), and use variance (expansion of a pre-existing non-conforming use) approvals, to permit the expansion, subdivision, and assemblage of a strip of land, containing approximately 9,752.4 sf, with the current lot, containing approximately 3.43 ac., including bulk variance for:

- Min. Landscape Buffer (pre-existing non-conformance (NC); 25' required, 20' (L.30) & 0' (L.70) provided;
- Min. Landscape Buffer (Allwood Road) (pre-existing non-conformance (NC), 15' required, 1' (L.30) & 4' (L.70) provided;
- Min. Front Yard (pre-existing non-conformance (NC), 30'-60' or 70'-90' required, 89.5' (L.30) & 76.2' (L.70) provided;
- Min. Rear Yard (pre-existing non-conformance (NC), 50' required, 37.55' (L.70) provided (L.70);
- Parking (pre-existing non-conformance (NC), 305 spaces (L.30) & 236 spaces (L.70) required, 278 spaces (L.30) & 139 spaces (L.70) provided;
- and a use variance (expansion of a pre-existing non-conforming use; N.J.S.A. 40:55D-70.d(2)).

In addition, this Applicant will request such variances, waivers, permits, approvals, or licenses that the Board deems necessary or appropriate.

This matter was previously continued by the Board until the January 19, 2022, meeting of the Board.

**NEW HEARINGS**

1. **LILIANA OTALVARO**, 610 Gregory Ave.,  
Block 13.13, Lot 47 – RB2 – Applicant  
Variance proposes to demo an existing single family  
home and build a new two-family home. The  
following relief is requested:  
1) 75' minimum lot width required and 50.14'  
provided;  
2) 7500 Sq. Ft. lot area required and 6267 Sq. Ft.  
provided;  
3) Driveway proposed less than 5' from the left  
side lot line;  
4) Basement has more than 50% of its clear height  
above grade, which makes the basement story,  
therefore the proposed house is three stories where  
2 1/2 stories are permitted.

Matthew Trella, Esq., with offices at 1135 Broad Street, Clifton, New Jersey, appeared on behalf of the applicant. Liliana Otalvaro, residing at 610 Gregory Avenue, Clifton, New Jersey, was present and sworn along with her sister. There were no objectors.

Mr. Trella stated that the applicant proposes to demolish an existing single-family dwelling at the subject premises and construct a new two-family home; that the variances requested are minimum lot width where 75 feet is required, and the applicant is proposing 50.14 feet; lot area where 7,500 square feet is required, and the applicant is proposing 6,267 square feet; driveway less than 5 feet from the left side lot line; the proposed house has three stories where 2 ½ stories are permitted since the basement has more than 50% of the clear height above grade.

The applicant confirmed that the representations made by Mr. Trella on her behalf are true and accurate.

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

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

2. **BRG HOLDINGS, LLC**, 140 Entin Road,  
Block 60.14, Lot 6 – M-2 – Applicant proposes  
Use to construct a 20,000 square foot warehouse  
Variance; for use by business located across from site.  
Variances Sole use will be warehousing. Application  
requires a D-3 variance for location to  
residential zone and bulk variances for rear  
yard, side yard and buffer strip. And for such  
other further relief the Board may deem  
appropriate.

This matter was continued to the January 19, 2022, meeting of the Board at the request of the attorney for the applicant.

3.  
Use  
Variance

**GACCIONE CONTRACTORS LLC,**  
750 Bloomfield Avenue, Block 49.11, Lot 30  
-- M-2 -- Applicant proposes to use 10,000  
sq. ft. (125' X 80') of the subject property  
as a contractor's storage yard. Machinery  
and material will be stored outdoors and  
under a canopy area. Property is currently a  
mixed use property and a D-1 Use variance  
is required. This area will be adjacent to a  
previously approved contractor's storage yard.  
Proposed area will be 25' from the rear lot  
line.

Frank Gaccione and his son, residing at 790 Bloomfield Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he proposes to use 10,000 square feet of the subject premises as a contractor's storage yard; that the size of the lot is 125-feet by 80-feet; that machinery and materials will be stored outdoors and under a canopy area; that the property is currently a mixed use property, and a D-1 use variance is required; that the subject premises is adjacent to a previously approved contractor's storage yard; that the proposed area will be 25 feet from the rear lot line; that the applicant operates on a five to six day basis.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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.  
Use  
Variances;  
Variances

**EMPIRE REALTY MANAGEMENT CORP.,**  
94-96 Market Street, Block 68.03, Lot 43 - BC -  
An approval to demolish the ALLWOOD  
THEATER and replace it with three additional  
new retail stores abutting the existing retail  
stores on Market Street and, in the rear, construct  
a three-story apartment building containing 26  
senior citizens housing units restricted to tenants  
aged 55 and older. Two use variances are required,  
one to permit more than two principal uses on  
the same lot and second to permit housing in a B-C  
zone where no housing is permitted. Utilizing the  
bulk variances set forth in the Zoning Ordinance  
for the areas in which the two uses for which use  
variances are sought are permitted, as required by  
law, the following bulk variances are required:  
front yard 5' required 0' provided; minimum  
rear yard 10' required, 0' proposed; site yards,  
where the property abuts residential use, for the  
sideyards half of the height of the building is  
required. On the right side, 0' is proposed and

on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard. It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following on behalf of the applicant: Thomas Donohue, P.E., of Donohue Engineering, LLC, 210 Summit Avenue, Montvale, New Jersey; Louis Brandt, AIA, 1037 Route 46 East, Clifton, New Jersey; Hal Simoff, PE, PP, Simoff Engineering Associates, 2 Shunpike Road, Madison, New Jersey; and Michael Capo, Architect, 1037 Route 46 East, Clifton, New Jersey; and Matthew Flynn, PP, AICP, John McDonough Associates, LLC, 101 Gibraltar Drive, Morris Plains, New Jersey.

There were a number of objectors: Sean and Karen Macmillan, 51 Morris Road, Clifton, New Jersey; Alessia Eramo, 35 Merrill Road, Clifton, New Jersey; and Rhode Mazzo, 19 Lyall Road, Clifton, New Jersey.

Mr. Carlet stated that the applicant was seeking approval to demolish the Allwood Theater and replace it with eight additional new retail stores abutting the existing retail stores on Market Street and in the rear construct a three-story apartment building containing 26 housing units for age restricted 55 and older; that variances are required for a use variance to permit more than two principal uses on the same lot and to permit housing in a B-C zone where no housing is permitted.

Both Louis Brandt and Michael Capo testified as architects; that the current site is the location of the Allwood Theater and encompasses 26,940 square feet; that the site is located in the B-C business district; that the applicant proposes to demolish the existing theater and add additional retail commercial space; that there will be 26 age restricted dwelling units consisting of 10 two-bedroom units and 16 one-bedroom units; that the building will be three stories and 40 feet in height with the residential dwellings on the second and third floor; that 44 off-street parking spaces are proposed, 20 of which will be under the proposed building and 24 of which will be in a surface parking lot.

There were questions raised by the objectors concerning the application.

At this point in the hearing, Mr. Carlet requested that the matter be continued to the March 2, 2022, meeting of the Board to give the applicant an opportunity to revise its plans in view of the comments made by the Board and the objectors. Thereupon, the matter was continued by the Board until the March 2, 2022, meeting of the Board.

5.	<b>152 164 GETTY AVE CORPORATION,</b>
Final	156 Getty Ave. & Getty Ave., Block 11.03,
Site	Lot 56 and Block 11.22, Lot 1.01 – M2 –
Plan	Final site plan approval to convert second story to 15 dwelling units. The Board granted preliminary site plan and use variance on October 6, 2021.

Jason R. Tuvel, Esq., with offices at 2 University Plaza Drive, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn was Michael J. Romanik, an architect, with offices at 291 Crooks Avenue, Paterson, New Jersey. There were no objectors.

Mr. Tuvel stated that the Board previously granted preliminary site plan approval and use variance to convert the second story previously approved into 15 dwelling units at the subject premises; that the applicant is now coming before the Board for final site plan approval.

The Board is in receipt of reports from Neglia Engineering dated September 28, 2021, and revised December 29, 2021; and also a report from the Clifton Fire Department dated January 4, 2022.

Mr. Romanik testified as an architect and stated that the final site plan presented to the Board includes the following: that the number of units was changed from 18 to 15 units; that the accessible ground floor unit was removed from Getty Avenue and an elevator was added; that the handicap space and access was removed from Getty Avenue; that a rear covered entryway is added to the rear of the building, and the parking was reconfigured; that a handicap access route was added to the rear of the building.

Mr. Tuvel, on behalf of the applicant, stated that the applicant will comply with all recommendations set forth in the report of the Fire Department dated January 4, 2022, as well as the recommendations of the Neglia Engineering report dated September 28, 2021, and revised December 29, 2021.

After a review of the testimony, Comr George Foukas moved to approve final site plan approval with the stipulation that the applicant comply with the reports of the Fire Department and Neglia Engineering as aforesaid. The motion was seconded by Comrs Louis DeStefano. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

#### **RESOLUTIONS**

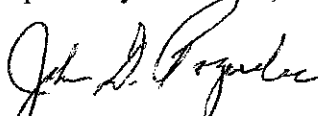
Chrmn Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Zalman Gurkov, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Zalman Gurkov, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution GRANTING the application of SALLY ANN FERNANDEZ for a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, around the back yard at 88 Hadley Avenue, Block 12.23, Lot 33, was adopted. RB1

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ELIZABETH SAHARIG-ROMERO for bulk variances for distance from house and minimum front yard setback for a gazebo installed to the left side of house at 74 Luddington Avenue, Block 18.06, Lot 19, was adopted. RB1

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

Respectfully submitted,

  
JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF JANUARY 5, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LILIANA OTALVARO for premises known as: 610 Gregory Avenue, Block 13.13, Lot 47 be and the same is hereby: GRANTED variances for lot width, lot area, left side line setback variance and variance for 3 stories to demolish an existing single-family home and build a new two-family home.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 5, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variances as aforesaid to demolish an existing single-family home and build a new two-family home at premises located at 610 Gregory Avenue, Block 13.13, Lot 47, which premises are located in an RB2 zone; and

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

- a. The applicant proposes to demolish an existing single-family home and build a new two-family home at the premises in question;
- b. The variances required are minimum lot coverage 75 feet required, and the applicant is proposing 50.14 feet; the lot area requirement is 7500 square feet, and the applicant is proposing 6267 square feet; the driveway is less than 5 feet from the left side lot line; the proposed dwelling is 3 stories high where 2 ½ stories are permitted since the basement has more than 50% of the height above grade;
- c. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to demolish an existing one-family dwelling and erect a new two-family dwelling at premises located at 610 Gregory Avenue, Block 13.13, Lot 47, be and the same is hereby approved and the variances for lot width, lot area, left side yard lot line, and 3 stories high be and the same 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 Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.



10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by: Comr MICHAEL MOLNER.**  
**Seconded by: Comr GEORGE SILVA.**  
**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrnm Mark Zecchino.**

**MEETING OF JANUARY 5, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **GACCIONE CONTRACTORS LLC**  
for premises known as: **750 Bloomfield Avenue, Block 49.11, Lot 30**  
be and the same is hereby: **GRANTED** a use variance for **10,000** square feet of the subject premises as a contractor's storage yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 5, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval to use 10,000 square feet, approximately 125- by 80-feet, as a contractor's storage yard at premises located at 750 Bloomfield Avenue, Block 49.11, Lot 30, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to use 10,000 square feet of the subject premises as a contractor's storage yard;
- b. Machinery and material will be stored outdoors and under a canopy area;
- c. The property is currently a mixed use;
- d. The subject premises is adjacent to a previously approved contractor's storage yard by the Board;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to utilize 10,000 square feet as a contractor's storage yard at premises located at 750 Bloomfield Avenue, Block 49.11, Lot 30, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED**; 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 Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.

12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by: Comr GEORGE FOUKAS.**  
**Seconded by: Comr MICHAEL MOLNER.**  
**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.**

**MEETING OF JANUARY 5, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **152 164 GETTY AVE CORPORATION**  
for premises known as: **156 Getty Ave. & Getty Ave.,**  
**Block 11.03, Lot 56 and Block 11.22, Lot 1.01**  
be and the same is hereby: **GRANTED final site plan approval to convert second story to 15 dwelling units.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 5, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr George Foukas moved to grant the application for final site plan on the basis of the following Resolution:

WHEREAS, the applicant previously received preliminary site plan approval and use variance to convert the second story of the subject premises into 15 dwelling units at premises located at 156 Getty Avenue, Block 11.03, Lot 56 and Block 11.22, Lot 1.01, which premises are located in an M-2 zone; and

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

- a. The applicant previously received preliminary site plan approval and use variance to convert the second story of the premises previously approved to 15 dwelling units by Resolution dated October 6, 2021;
- b. All the findings set forth in said Resolution are incorporated herein by reference and made a part hereof;
- c. Based upon the testimony of the applicant's expert, the proposal does satisfy all the objectives of the site plan ordinance, which include traffic access, circulation and parking, and landscaping screening and lighting; and
- d. That the layout, or arrangements of buildings and parking areas, is consistent with the requirements of the zoning ordinance;
- 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for final site plan approval at premises located at 156 Getty Ave. & Getty Ave., Block 11.03, Lot 56 and Block 11.22, Lot 1.01, be and the same is hereby approved and granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

**A. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED SEPTEMBER 28, 2021, AND REVISED DECEMBER 29, 2021;**

**B. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF THE CLIFTON FIRE DEPARTMENT DATED JANUARY 4, 2022; AND**

**C. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED;** 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 Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: **Comr GEORGE FOUKAS.**  
 Seconded by: **Comr LOUIS DE STEFANO.**  
 Affirmed by: **Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.**