

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, February 1, 2023. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the “Open Public Meeting Law” all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applications that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO AND CHRMN MARK ZECCHINO.

ABSENT: COMR URI JASKIEL.

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

Upon motion made by Comr Scott Sochon, seconded by Comr George Foukas, the Minutes of the January 18, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

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.
Use Variance;
Variance;
Site Plan

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
Use Variance;
Variances

(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.

At the request of the attorney for the applicant, this matter was continued by the Board until the March 15, 2023 meeting of the Board.

2. **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 February 15, 2023 meeting of the Board.

3. **EMB 561 LLC**, 561 Van Houten Ave., 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.

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

4. **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.

At the request of the attorney for the applicant, this matter was continued by the Board until the March 1, 2023 meeting of the Board.

5. **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 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.

Charles Rabolli, Esq., of Messineo Law, LLC, with offices at 95 Chestnut Ridge Road, First Floor, Montvale, New Jersey 07645, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Mark Lasky of New York, NY, the applicant; Thomas E. Donahue, P.E. of Donohue Engineering, LLC, 210 Summit Avenue, Suite C-3, Montvale, New Jersey 07645, an engineer; Michael Capo, AIA, 1037 Route 46 East, Suite G5, Clifton, New Jersey 07013, an architect; and William J. Martin, R.A., AIA, P.P., LEED AP-H, of WJM Architect, 25 Boulevard, First Floor, Westwood New Jersey 07675, a planner.

The following objectors were present and sworn: Juan Cabrera, 824 Passaic Ave; Harry Maitland, 828 Passaic Avenue.

Mr. Rabolli provided background on the application and stated that the property is currently a vacant lot where the applicant seeks to construct a private, free-standing garage. Mr. Rabolli explained that while commercial parking garages are a permitted use in the zone, a private garage is not permitted. He advised that the application sought bulk variances and use variances, and that existing nonconformities exist. He also addressed concerns regarding future use.

Mr. Lasky testified that he was born and raised in Clifton, but currently lives in New York City. He collects vintage automobiles that are currently in various storage and rental spaces in the area. He makes the application in an effort to consolidate his storage of these collectible automobiles into one building.

Mr. Lasky testified that there is no intention for this property to house an auto repair shop, that the property will not be rented to the neighboring gas station, and that other people's cars will not be stored. He stated that this is analogous to a residential garage as if it was attached to a house.

Mr. Lasky also testified that he would comply with any restrictions or stipulations imposed by the Board.

Chrmn Zecchino asked how the cars get onto the property. Mr. Lasky answered that they are only his cars, that he will not be working on them, and he will drive the cars onto the property.

Mr. Lasky testified that the garage structure would be 1,350 sqft to house 4 cars that have appreciated in value. He explained that due to his work and family schedule, he will not visit the property often.

Cmr Gukov asked if Mr. Lasky was in the car business, and Mr. Lasky answered that he was not.

Cmr Gurkov asked about the number of cars to be stored at the building, and whether a stipulation was appropriate. Mr. Rabolli stated that the applicant would consider a stipulation of no more than 5 cars due to the size of the building.

Nicholas Graviano, of Graviano & Gillis Architects & Planners, LLC, stated that any deviation from the proposed use would require further application before the Board.

Cmr. Molner requested a stipulation for storage outside the building and encroachment upon neighbors. Mr. Rabolli advised that the applicant would consider granting a neighbor's request for continued encroachment if the legal issues were addressed.

Mr. Donahue reviewed the submitted plans and testified that the property currently contains certain nonconformities including minimum lot coverage, minimum lot depth, front yard setbacks, and rear yard setbacks.

Mr. Donahue testified that the applicant proposes a trench drain and roof runoff that will be directed to an infiltration basin.

Mr. Donahue testified regarding utilities and lighting installation.

Mr. Rabolli asked Mr. Donahue if he read and could comply with the recommendations contained in Engineering Review No. 1 dated January 10, 2023 drafted by Neglia Engineering. Mr. Donahue advised that he had and the applicant could comply.

Mr. Rabolli asked Mr. Donahue if he read and could comply with the recommendations contained in the Fire Department and Police Department reports. Mr. Donahue advised that he had reviewed those reports and anticipated compliance.

Anthony Kurus, of Neglia Engineering, advised that soil tests needed to be completed to confirm permeability but otherwise, nothing additional was required.

Interested party Juan Cabrera asked about the purpose for extra parking spaces, the reason for sewage and running water, and fencing.

Mr. Donahue responded that the parking spaces are to ensure compliance with ADA requirements, an indoor bathroom, and the need to remove a fence on a southern line location due to encroachment.

Cmr. Foukas asked the interested party about the encroaching fence, and Mr. Cabrera responded that the fence was installed 3 years ago.

Mr. Rabolli stated that the applicant would accommodate a fence of a particular color and design to coincide with the homeowner's existing fence. He acknowledged the potential need to address the easement issue.

Mr. Cabo offered the following exhibits:
Exhibit A-1 – Aerial View Photos
Exhibit A-2 – Revised Architectural Plans, January 19, 2023

Mr. Cabo explained that the architectural plans were slightly modified to eliminate a side overhead door and replace it with windows and a separate egress door.

Mr. Cabo testified that the property will contain a small bathroom per code and a small janitorial closet with a sink.

Mr. Cabo testified that the property will have solar panels.

Cmr. Sochon asked if the property will have heat and air condition. Mr. Cabo testified that the property will be heated by a small unit.

Cmr. Molner asked if Mr. Cabo had reviewed the fire department report. Mr. Cabo stated he had and advised that there would not be a fire suppression system because more than 240 gallons of fuel would not be stored. Otherwise, all recommendations and comments would be adhered to.

Mr. Cabrera asked about windows and lighting. Mr. Cabo testified that windows are on both sides but are 10 feet off the ground and that the property will not be constantly lit. Mr. Rabolli testified that the applicant is willing to stipulate that lights wont be on when he is not there in the evening.

Mr. Martin testified that he has been to the site and reviewed both the masterplan and the City code. He addressed the property use contemplated by the normal zone.

Mr. Martin testified that the need for C variances are generated due to the small size of the lot which cannot be connected to other properties. He explained that the applicant intended to use the property in a manner which is one of the few uses for the property given the size.

Mr. Martin testified that the current zone does allow parking lots and garages as a permitted use, but only when they are adjacent to other buildings. He reviewed the goals of the Clifton Master plan and addressed which goals this application would further.

Mr. Martin testified that positive criteria were met because the application achieved the purpose of the act, provides a productive use to an otherwise vacant property, contains ample setbacks and will not be visually upsetting, and utilized renewable energy sources.

Mr. Martin also testified regarding negative criteria. He explained that there would be no substantial effect of any noise and rather, the property could buffer noise from the gas station; that use would not have a substantial impact on traffic because it housed parked cars and that the only traffic would be from the owner and potentially one visitor; he testified there would be no substantial drainage issues and that runoff would be managed on site; there would be no substantial lighting issue as the lights used contain shields and are pointed downward; and there was no substantial detriment to the public good or to the master plan.

Mr. Rabolli asked why the property shouldn't remain vacant and Mr. Martin stated that the municipal plan supported productive uses over vacant lots.

Mr. Rabolli also asked about the C variances and Mr. Martin advised that the circumstances which exist were not created by the applicant.

Mr. Graviano stated that he was in agreement with Mr. Martin's testimony. He acknowledged that the site was challenging and, given the size and locational characteristics of the property, it was a reasonable proposal.

Objector Harry Maitland stated that the application does not fit the area, concerns over flooding, backing out of the driveway, and potential for accidents.

Objector Juan Cabrera expressed concern over traffic, accidents, and his neighboring fence.

Mr. Rabolli recalled Mr. Cabo who offered testimony about zero net runoff. MR. Cabo further testified that they are not increasing runoff beyond what already exists.

Mr. Rabolli offered a closing statement where he addressed accidents, drainage, and buffering. He addressed that other commercial efforts in this area would not fit the lot. He stated that the size of the lot itself is a preexisting nonconformity and a hardship that the applicant did not create.

Comr. Foukas advised he is inclined to believe residents and inquired about their recourse in the event of flooding. Mr. Kurus explained that the system is designed to comply with a 100 year storm and that the applicant met his burden.

As a condition of approving the property, the Board instituted the following stipulations: there will be no parking of vehicles outside the building and the neighbors will be given the applicant's private contact information to discuss various issues.

After a review of the testimony, Vice Chrmn Scorziello moved to grant the application, with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Scott Sochon. 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. **JOSEPH JANKOWSKI**, 427 Mount Prospect Avenue, Block 55.05, Lot 72 – RA2- The applicant is proposing a second-floor addition which requires the following variances; side yard setback proposed at 4.8' where 6' is required and combined yard setback proposed at 9.6' where 16' is required.

The applicant, residing at 427 Mount Prospect Avenue, Clifton, New Jersey was present and sworn. Present on behalf of the applicant were Florence A. Berwind, RA, of 64 Forest Hill Road, West Orange, New Jersey, an architect; and Matthew Gannon, 427 Mount Prospect Avenue.

There were no objectors.

Ms. Berwind offered the following exhibits:

Exhibit A-1 – Photographs of existing side setbacks.

Ms. Berwind testified that the application was for a second-floor addition to add a third bedroom and half bathroom. She explained that the applicant was requesting side and combined side yard setbacks which were already a preexisting condition due to the narrowness of the lot. She testified that the applicant would not change the existing footprint.

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 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.

2. **ZEV PRINCE**, 100 Dawson Avenue, Block 49.05, Lot 16 – RB-1 - The applicant is proposing a one-story rear addition which requires the following variances, side yard setback proposed at 4' where 6' is required, and combined side yard setback proposed at 12.6' where 16' is required.

The applicant, residing at 100 Dawson Avenue, Clifton, New Jersey, was present and sworn. Present on behalf of the applicant was William J. Martin, R.A., AIA, P.P., LEED AP-H, of WJM Architect, 25 Boulevard, First Floor, Westwood New Jersey 07675, a planner.

There were no objectors.

Mr. Martin testified that the applicant sought to expand the home in the rear of the property without extension to the front. Mr. Martin testified that the existing lot is undersized by 2 sq ft. He explained that the applicant sought a logical, aesthetically pleasing improvement which would enhance the neighborhood. He also explained that the existing hardship is related to the current structure.

After a review of the testimony, Comr Michael Molner 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, 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.

3. **RUTH OYANGUREN & SILAS AYALA**, 45 Barkley Avenue, Block 11.06, Lot 7 – RB2 - The applicant is proposing an expansion of a 2-family house on a nonconforming lot with pre-existing nonconforming front and side yard setbacks. Project includes 1st floor rear addition and 2nd floor deck which is proposed at 3' from property line where 12' is required. Also, lot coverage is proposed at 32.3% where 27% is required.

The applicant, residing at 45 Barkley Avenue, Clifton, New Jersey, was present and sworn.

There were no objectors.

The applicant testified that he seeks to add an extension to add to a bathroom and deck, and that everything existing will remain unchanged.

Chrmn Zecchino inquired about the number of vehicles on the property and where they will be placed when construction is ongoing and completed. The applicant testified that he has a large garage, and the vehicles are only outside if he is cleaning the garage.

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, 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.

4. **VANE VLASEVSKI, 775 Bloomfield Avenue, Block 57.01, Lot 6 – M1**
Variances - The applicant is requesting a variance for the parking and dispatch of three minivans for the purpose of an electrical contracting business office located at the premises. Applicant further proposes storage of material in the basement of the office building which is not permitted.

The applicant, doing business at 775 Bloomfield Avenue, Clifton, New Jersey, was present and sworn. Also present was Svetlana Panov, 143 Schley Street, Garfield, New Jersey.

There were no objectors.

Comr. Foukas recused himself as an interested party.

The applicant testified that he operates his business on the property and wants to park vehicles overnight. He testified that the vehicles were electrical vans. He also stated he wants to store certain business materials in the basement.

Chrmn Zecchino asked about the number of employees and hours of operations. The applicant testified that the hours were 6:30 am to 3:30 pm Monday through Saturday and that all employees arrive in 2-3 vehicles which will be parked on the property during the workday.

Comr Molner asked about the other businesses in the Building. The applicant testified that there are other businesses and a donation center in the building.

After a review of the testimony, Comr Michael Molner 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, Vice Chrmn Gerard Scorziello, 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.

5. **MAIN FOOT AND ANKLE LLC, 1610 Main St. & 80 W. 2nd St., Block**
Variances; Use 9.07, Lots 25 and 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is
Variance; Site proposing a consolidated subdivision of 1610 Main Avenue and 80 West
Plan 2nd Street. The applicant further proposes a 3-story mixed use building for
medical offices and a retail pharmacy. A D1 use variance is requested in
addition to any and all other variances as may be required.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 15, 2023 meeting of the Board.

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

RESOLUTIONS

1. GRANTED the application of ALI MUSA for a rear yard setback variance to construct a 2nd floor balcony with a roof over an existing 1st floor bedroom for 11 Lennon Place, Block 53.02, Lot 35.

2. DENIED the application of WAEL EL-ZIND to amend a prior application for a rear one-story addition to include a second level with windows and exterior doors for 636 Van Houten Avenue, Block 37.01, Lot 17.

3. GRANTED the application of THE 580 GROUP LLC for final site plan and conditional use approval for expansion of a nonconforming use variance, conditional use variance, and bulk variance approval to construct a 14,578 SF warehouse addition with loading spaces to existing industrial/warehouse buildings with one (1) existing residential apartment located at 790 Bloomfield Avenue, Block 56.07, Lots 15, 15.01-15.06, 23.01

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF FEBRUARY 1, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARK LASKY for premises known as: 833 Clifton Avenue, Block 35.07, Lot 1 be and the same is hereby: GRANTED bulk variances for setbacks and use variances

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 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 Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests bulk variances regarding lot area, lot width, lot depth, front yard setback, and rear yard setback; and

WHEREAS, the applicant also requests a use variance to permit construction of a private, free-standing parking garage; and

WHEREAS, the current zone plan permits parking garages as an appropriate use but only when they are attached to another structure; and

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

a. The applicant proposed to construct a free-standing parking garage to store approximately four collectible cars; and

b. The lot upon which such garage would be constructed is currently vacant; and

c. Due to the unique size of the lot, a number of nonconformities currently exist; and

d. The applicant seeks to make productive use of this property; and

e. The applicant, through the testimony of his experts, has addressed the required positive criteria to establish that:

1. The application will further the intent and goals of the Master Plan;

2. The proposed non-conforming use is a productive use to an otherwise vacant property;

3. Even with the requested variances, there are ample setbacks that are not visually upsetting;

4. The building will utilize renewable energy sources through solar panels on the roof, windows to provide airflow; and

5. The building will utilize a small heating unit which will be placed on the side of the building which faces the neighboring gas station.

f. The applicant, through testimony of his experts, has addressed the required negative criteria to establish that:

1. There will be no substantial increase of any noise to neighboring residents;

2. There will be no substantial impact to traffic as only traffic on and off the property will be from the owner and a maximum of one visitor;

3. There will be a net zero impact of flooding in the area as there is no excessive runoff and such runoff will be managed on site;

4. There will be no substantial increase to lighting in the area as the lights being used contain shields and point downward; and

5. There is no substantial detriment to the public good or the master plan; and

g. The applicant has stipulated that:

1. The applicant will not park parking of vehicles outside the building; and

2. The applicant will provide the neighbors with his private contact information to discuss various issues regarding the property.

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

i. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED the application for bulk and use variances to permit construction of a private, free-standing parking garage for private automobile storage at 833 Clifton Avenue, Block 35.07, Lot 1 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 SCOTT SOCHON
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 1, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOSEPH JANKOWSKI for premises known as: 427 Mount Prospect Avenue, Block 55.05, Lot 74 be and the same is hereby: GRANTED sideyard and combined yard setback variances

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 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 is proposing a second-floor addition which requires the following variances; side yard setback proposed at 4.8' where 6' is required and combined yard setback proposed at 9.6' where 16' is required; 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 floor addition which requires a side yard setback of 4.8' where 6' is required and combined yard setback at 9.6' where 16 is required; and
- b. The applicant, through the testimony of his experts, established that the narrowness of the lot creates preexisting non-conformities; and
- c. Such pre-existing non-conformities are not exaggerated by this application; and
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to a second-floor addition which requires the following variances; side yard setback proposed at 4.8' where 6' is required and combined yard setback proposed at 9.6' where 16' is required premises located at 427 Mount Prospect Avenue, Block 55.05, Lot 74, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.

13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr SCOTT SOCHON

Seconded by: Comr GEORGE SILVA

Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 1, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ZEV PRINCE for premises known as: 100 Dawson Avenue, Block 49.05, Lot 16 be and the same is hereby: GRANTED a request for side yard setback and combined side yard setback variances.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant is proposing a one story rear addition which requires the following variances, side yard setback proposed at 4' where 6' is required, and combined side yard setback proposed at 12.6' where 16' is required for premises located at 100 Dawson Avenue, Block 49.05, Lot 16; and

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

- a. The applicant, by and through his experts, testified that he proposes to expand the home in the rear of the property without extension to the front; and
- b. The existing lot is undersized and contains an existing nonconformity; and
- c. The applicant, by and through his experts, provided testimony to establish that the proposed expansion is logical, aesthetically pleasing improvement which would enhance the neighborhood; and
- d. The applicant, by and through his experts, established that the existing hardship was created by the current structure and lot size; and
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for side yard setback proposed at 4' where 6' is required, and combined side yard setback proposed at 12.6' where 16' to construction a one story rear addition at premises located at 100 Dawson Avenue, Block 49.05, Lot 16, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.

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

Resolution moved by: Comr MICHAEL MOLNER
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 FEBRUARY 1, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **RUTH OYANGUREN & SILAS AYALA**
for premises known as: **45 Barkley Avenue, Block 11.06, Lot 7**
be and the same is hereby: **GRANTED** a request for variances to expand a 2-family house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 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 is proposing an expansion of a 2-family house on a nonconforming lot with pre-existing nonconforming front and side yard setbacks for premises located at 45 Barkley Avenue, Block 11.06, Lot 7; and

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

- a. The applicant proposes an expansion of a 2-family house on a nonconforming lot with pre-existing nonconforming front and side yard setbacks; and
- b. The project includes 1st floor rear addition and 2nd floor deck which is proposed at 3' from property line where 12' is required and lot coverage is proposed at 32.3% where 27% is required.
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for variances to permit the applicant to construct a first floor rear addition and second floor rear deck at 45 Barkley Avenue, Block 11.06, Lot 7, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: 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 FEBRUARY 1, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: VANE VLASEVSKI for premises known as: 775 Bloomfield Avenue, Block 57.01, Lot 6 be and the same is hereby: GRANTED a request permit outdoor commercial parking and basement commercial storage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requesting a variance for the parking and dispatch of three minivans for the purpose of an electrical contracting business office and storage of material in the basement of the office building which is not permitted at premises located at 775 Bloomfield Avenue, Block 57.01, Lot 6; 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 floor balcony with a roof over an existing first floor bedroom which proposes a rear yard setback variance at 30' where 35' 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 for a variance for the parking and dispatch of three minivans for the purpose of an electrical contracting business office and storage of material in the basement of the office building at 775 Bloomfield Avenue, Block 57.01, Lot 6, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

17. All utilities to be constructed underground.

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

19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr MICHAEL MOLNER
Seconded by: Comr GEORGE SILVA
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.