

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, February 16, 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 GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.**

**ABSENT: COMR URI JASKIEL.**

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 Scott Sochon, seconded by Comr Michael Molner, the Minutes of the January 26, 2022, special meeting were adopted with the unanimous approval of the entire Board.

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the February 2, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

### **CONTINUED HEARINGS**

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.

Franklin S. Montero, Esq., the attorney for the applicant, requested that the matter be dismissed without prejudice.

Thereupon, Comr Scott Sochon moved to dismiss the matter without prejudice. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice 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.  
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).

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 at the request of the attorney for the applicant to the meeting of March 16, 2022.

3. **EMPIRE REALTY MANAGEMENT CORP.,**  
94-96 Market Street, Block 68.03, Lot 43 – BC –  
Use An approval to demolish the ALLWOOD  
Variances; THEATER and replace it with three additional  
Variances 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.

This matter was previously continued by the Board until the March 2, 2022 meeting of the Board.

4.  
Use  
Variance

**PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION**, 409-411 Main Avenue, Block 59.03, Lot 17 – B-B – Applicant proposes to construct an addition in the front of the property to allow expansion of the library book space, a private study area, an office and a basement storage area. The addition will conform to other structures in the neighborhood. A use variance is required for the expansion of the previously approved nonconforming use and the existing mixed use on the property. Previous application was granted on 4/19/2017.

Glenn Peterson, Esq., the attorney for the applicant, requested that the matter be dismissed without prejudice.

Thereupon, Comr Michael Molner moved to dismiss the matter without prejudice. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice 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.  
Use  
Variance

**MJG-MAR REALTY, LLC**, 42 Lakeview Avenue, Block 7.05, Lot 70 – M-2 – This is a notice of an application for a use variance to permit use of the property presently occupied by the GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for motor vehicle parts, retail and wholesale. The property is located in an M-2 zone and the use is not permitted in said zone.

Chrmn Zecchino read into the record a communication received from the firm of DiFrancesco, Bateman that the notice served by the applicant is defective. There is also a communication received from Frank A. Carlet, Esq., the attorney for the applicant, requesting that the matter be carried to the April 6, 2022, meeting of the Board. Counsel Pogorelec stated that the Board does not have jurisdiction due to the defective notice, and therefore, the matter should be dismissed without prejudice.

Thereupon, Comr Scott Sochon moved to dismiss the matter without prejudice. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice 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. **MATT WEST**, 105 Greglawn Drive, Block 45.03, Lot 5 – RA2 – Applicant proposes new second floor addition and new covered porch. The following variances are being requested:  
1) Rear yard setback proposed at 27.8' where 35' is required;  
2) Front yard setback proposed at 24.3' where 30' is required.

The applicant, residing at 105 Greglawn Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests approval from the Board for a second floor addition and a new covered porch at the subject premises; that the variances requested are the rear yard setback requirement where 35 feet is required, and the applicant is proposing 27.8 feet; that the front yard setback is 30 feet, and the applicant is proposing 24.3 feet.

After a review of the testimony, Comr George Foukas 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 Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, 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.

3. **KEVIN PERLITSH**, 196 South Parkway, Block 60.02, Lot 3 – RA3 – Applicant is requesting the following variances for a proposed addition:  
1) Left side yard setback proposed at 4.3' where 6' is required;  
2) Combined side yard setback proposed at 13' where 16' is required;  
3) Front yard setback proposed at 24.6' where 25' is required.

The applicant, residing at 196 South Parkway, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he proposes a two-story rear addition and a second floor add-a-level at the subject premises; that the variances requested are the left side yard setback requirement is 6 feet, and the applicant is proposing 4.3 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 13 feet; that the front yard setback requirement is 25 feet, and the applicant is proposing 24.6 feet.

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

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

4.  
Variances

**MARC FRIEDLANDER**, 199 South Parkway, Block 60.08, Lot 2 – RA3 – Applicant is requesting the following variances for a proposed addition:

- 1) Side yard setback proposed at 3.8' where 6' is permitted.
- 2) Combined side yard setback proposed at 12.7' where 16' is permitted.
- 3) Front yard setback proposed at 15.2' where 25' is required.
- 4) Lot coverage proposed at 29.4% where 27% is permitted.

The applicant, residing at 199 South Parkway, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he proposes a rear two-story addition; that the variances requested are as follows: side yard setback requirement is 6 feet, and the applicant is proposing 3.8 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 12.7 feet; that the front yard setback requirement is 25 feet, and the applicant is proposing 15.2 feet; that the lot coverage permitted is 27 percent, and the applicant is proposing 29.4 percent.

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

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

5.  
Variance

**JOSEFINA PEREZ & SALVADOR HERNANDEZ**, 13-15 Rose Street, Block 49.02, Lot 1 – RB1 – Applicant proposes a rear setback variance permitting the installation of a covered but open carport over an existing paved driveway.

Richard A. Vrhove, Esq., with offices at 719 Van Houten Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the applicants, Josefina Perez and Salvador Hernandez, residing at 15 Rose Street, Clifton, New Jersey. Also present and sworn as an interpreter was Marleene Rodrigues of 927 East 19<sup>th</sup> Street, Paterson, New Jersey. There were no objectors.

Through the interpreter, Josefina Perez testified that she requests a rear yard setback variance permitting the installation of a covered roof but open carport over an existing paved driveway at the subject premises; that a rear yard setback variance is required; that it will be a roof only, no walls, held up by three 4- by 4-s, each of which shall be affixed

to the driveway with expansion anchors; that there is a railing separating the driveway from the VFW Post next door, and the VFW has a walkway on its side of the railing.

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

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

### **RESOLUTIONS**

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

1. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of CLIFTON IL, LLC for subdivision, use variance, and bulk variances for the purpose of constructing a 50-unit senior citizen independent living facility at 782, 784, 810 and 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18, was adopted. RA1 & Steep Slope

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 680 CLIFTON, LLC for minor subdivision, bulk variances, and use variance to permit a strip of property measuring 25-feet by 390-feet, or 9,750 square feet of property, to be transferred from Lot 30 to Lot 70 in Block 80.01 at 680 Route 3, Block 80.01, Lot 70 and 30, was adopted. B-C

3. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of G. KINISKI SLADE for a variance for a 5-foot-high solid fence along the Grove Street side of the property at 5 Abbe Lane, Block 27.12, Lot 1, was adopted. RA2

4. Upon motion made by Comr Zalman Gurkov, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARINO WILLIAMS to convert attached garage into living space and variance for driveway in front of house no longer serving a garage at 109 Orchard Drive, Block 68.12, Lot 21, was adopted. RA3


5. Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DANIEL MAYER for lot coverage, front yard setback, right side yard setback, and combined side yard setbacks for an addition to the front and rear of the attached garage at 33 Belmont Avenue, Block 70.03, Lot 21, was adopted. RA3

6. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LOUAY ASSOCIATES, LLC for use variances for eight (8) residential units on second floor in existing two-story commercial use building, front yard setback, rear yard setback, lot coverage, and parking variances at 1026-1038 Main Avenue, Block 8.04, Lot 1, was adopted. B-C

7. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WILLIAM DUNAI for use variance for the purpose of an accessory massage use at 658 Allwood Road, Block 67.03, Lot 6, was adopted. B-C

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

Respectfully submitted,



JOHN D. POGORELEC  
COUNSEL SECRETARY



**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **J & I CHIMICHANGA, LLC a/k/a**  
**EL MEXICANO CLIFTON**  
for premises known as: **1293 Main Avenue, Block 11.07, Lot 16**  
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE.**

THIS MATTER, coming on for hearing before the Board; and the attorney for the applicant has requested that the matter be dismissed without prejudice; thereupon, this matter

BE AND THE SAME is hereby dismissed without prejudice.

**Resolution moved by: Comr SCOTT SOCHON.**  
**Seconded by: Comr MICHAEL MOLNER.**  
**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **PASSAIC CLIFTON COMMUNITY KOLLEL  
CONGREGATION**  
for premises known as: **409-411 Main Avenue, Block 59.03, Lot 17**  
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE.**

THIS MATTER, coming on for hearing before the Board; and the attorney for the applicant has requested that the matter be dismissed without prejudice; thereupon, this matter

BE AND THE SAME is hereby dismissed without prejudice.

**Resolution moved by: Comr MICHAEL MOLNER.**  
**Seconded by: Comr SCOTT SOCHON.**  
**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **MJG-MAR REALTY, LLC**  
for premises known as: **42 Lakeview Avenue, Block 7.05, Lot 70**  
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE.**

THIS MATTER, coming on for hearing before the Board; and after reviewing communications from an attorney for the objector and counsel for the applicant; it appears that the notice requirements pursuant to the statute are not satisfied by the applicant; that the defective notice affects the jurisdiction of the Board to hear the matter; thereupon, this matter

BE AND THE SAME is hereby dismissed without prejudice.

**Resolution moved by: Comr SCOTT SOCHON.**  
**Seconded by: Comr MICHAEL MOLNER.**  
**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
**the application of: MATT WEST**  
**for premises known as: 105 Greglawn Drive, Block 45.03, Lot 5**  
**be and the same is hereby: GRANTED front and rear yard setback variances for a**  
**second floor addition and new covered porch.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 16, 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 variance approval as aforesaid for a second floor addition and a new covered porch at premises located at 105 Greglawn Drive, Block 45.03, Lot 5, which premises are located in an RA2 zone; and

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

- a. The applicant proposes a new second floor addition and new covered porch;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 27.8 feet;
- c. The front yard setback requirement is 35 feet, and the applicant is proposing 24.3 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition and a new covered porch at premises located at 105 Greglawn Drive, Block 45.03, Lot 5, be and the same is hereby approved and the variances for rear yard setback and front yard setback 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 GEORGE FOUKAS.**

**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**

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

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **KEVIN PERLITSH**  
for premises known as: **196 South Parkway, Block 60.02, Lot 3**  
be and the same is hereby: **GRANTED left side yard setback, combined side yard setback, and front yard setback variances for a two-story rear addition and a second floor add-a-level.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 16, 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 variance approval as aforesaid for a two-story rear addition and a second floor add-a-level at premises located at 196 South Parkway, Block 60.02, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a two-story rear addition and a second floor add-a-level at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.3 feet;
- c. The combined side yard setback is 16 feet, and the applicant is proposing 13 feet;
- d. The front yard setback requirement is 25 feet, and the applicant is proposing 24.6 feet;
- e. The applicant has shown sufficient hardship to justify the grant of the variances 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood:

NOW THEREFORE, BE IT RESOLVED that the application for a two-story rear addition and a second floor add-a-level at premises located at 196 South Parkway, Block 60.02, Lot 3, be and the same is hereby approved and the variances for left side yard setback, combined side yard setback, and front yard setback 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 VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that  
the application of: **MARC FRIEDLANDER**  
for premises known as: **199 South Parkway, Block 60.08, Lot 2**  
be and the same is hereby: **GRANTED** variances for side yard setback, combined  
side yard setback, front yard setback, and lot coverage for a rear two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 16, 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 Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests approval for a rear two-story addition at premises located at 199 South Parkway, Block 60.08, Lot 2, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a rear two-story addition;
- b. The side yard setback requirement is 6 feet, and the applicant is proposing 3.8 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 12.7 feet;
- d. The front yard setback requirement is 25 feet, and the applicant is proposing 15.2 feet;
- e. The lot coverage permitted is 27 percent, and the applicant is proposing 29.4 percent;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a two-story rear addition at premises located at 199 South Parkway, Block 60.08, Lot 2, be and the same is hereby approved and the variances for side yard setback, combined side yard setback, front yard setback, and lot coverage 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 ZALMAN GURKOV.**

**Seconded by: Comr SCOTT SOCHON.**

**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Fcukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 16, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JOSEFINA PEREZ & SALVADOR HERNANDEZ** for premises known as: **13-15 Rose Street, Block 49.02, Lot 1** be and the same is hereby: **GRANTED** a rear yard setback variance permitting the installation of a covered but open carport over an existing paved driveway.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 16, 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, Vice-Chairman Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to permit the installation of a covered but open carport over an existing paved driveway at premises located at 13-15 Rose Street, Block 49.02, Lot 1, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to install a covered but open carport over an existing paved driveway at the subject premises;
- b. The applicant requires a rear yard setback variance;
- 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for the installation of a covered but open carport over an existing paved driveway at premises located at 13-15 Rose Street, Block 49.02, Lot 1, be and the same is hereby approved and the variance for rear yard setback be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

**Seconded by: Comr LOUIS DE STEFANO.**

**Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**