

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, February 19, 2020. 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 ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the February 5, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

#### CONTINUED HEARINGS

1. MEADOWLANDS ATHLETIC CENTER,  
Use 316 Colfax Avenue – Rear, Block 28.02,  
Variance Lot 20; 314 Colfax Ave. (Easement Area)  
Block 29.04, Lot 1 – M-1 – Applicant  
proposes to use an industrial space for  
manufacturing of floor equipment, DJ  
rentals for cheer competitions, and 1 on 1  
and group/team instruction of tumbling/  
cheerleading. A use variance is required  
for the instruction of tumbling/cheerleading.  
Any other relief deemed necessary by the  
Board.

This matter was previously continued by the Board until the March 4, 2020, meeting of the Board.

2.                   **RALPH TRAVELLIN**, 956 VanHouten Ave.,  
Use                   Block 35.10, Lot 1 – B-C – Application  
Variance            was approved by the Board on October 16,  
                          2019 for two uses on one lot, service  
                          station and used car license. Car disposal  
                          or sales was not addressed in the resolution.  
                          Applicant is requesting changes to the  
                          approved resolution, allowing for the sale  
                          and/or disposal of the cars purchased for  
                          parts. Applicant intends on purchasing  
                          vehicles at auction to use for parts.

This matter was previously continued by the Board until the March 4, 2020, meeting of the Board.

#### NEW HEARINGS

1.                   **HASSAN ZEIDIEN**, 10 Oak Ridge Road,  
Variance            Block 41.14, Lot 2 – RA2 – Applicant  
                          proposes to install a 6’ high fence on  
                          the sides of the rear yard where a 5’  
                          high fence is permitted. A 6’ high fence  
                          is permitted along the rear lot line  
                          bordering the commercial property.

The applicant, residing at 10 Oak Ridge Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to install a 6-foot-high fence on the sides of the rear yard where a 5-foot-high fence is permitted; that a 6-foot-high fence is permitted along the rear lot line bordering the commercial property.

Comr DeStefano suggested that the applicant consider a 5-foot-high fence with a 1-foot lattice. After a consideration, the applicant agreed to amend his plan to reflect a 5-foot-high fence with a 1-foot lattice.

Thereupon, Comr Louis DeStefano moved to grant the application for a 5-foot-high solid fence with a 1-foot lattice on top and instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. Voting in the negative was Comr Roy Noonburg. 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.

2.                   **152-164 GETTY AVE CORPORATION,**  
Use                   156 Getty Ave. & 164 Getty Ave.,  
Variance;           Block 11.03, Lot 56 & Block 11.22, Lot 1.01  
Variances           -- M-2 – Applicant seeks preliminary and  
                          final major site plan approval, use variance,  
                          bulk variance and design waiver/exception  
                          relief.

Applicant seeks approval to construct a second story addition to the existing warehouse and office building, along with related site improvements.

In connection with the Application, the Applicant seeks use variance approval pursuant to N.J.S.A. 40:55D-70(d)(2) for expansion of a non-conforming use. To the extent that a conditional use variance pursuant to N.J.S.A. 40:55D-70(d)(3) is required, the Applicant seeks same for not complying with the following conditions for a warehouse facility:  
(1) Use located on a lot within 100 ft. of a residence district boundary where same is not permitted; and  
(2) Use does not meet the area, height, bulk, off-street parking, loading, unloading and buffer requirements for industrial plants in an M-2 District where same is required.

The applicant also seeks the following bulk variance and design waiver/exception relief:

- (1) Front yard setback less than required (20 ft. required; 1.36 ft. existing/proposed);
- (2) Rear yard setback less than required (15 ft. required; 0 ft. existing/proposed);
- (3) Side yard setback less than required (15 ft. required; 0 ft. existing/proposed);
- (4) Size of parking spaces less than required (9 ft. x 19 ft. (171 sq.ft.) required; 9 ft. x 18 ft. (162 sq.ft.) proposed; and
- (5) Parking area setback less than required (5 ft. from lot lines required; 0 ft. existing; 2.05 ft. proposed).

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

Jason R. Tuvel, Esq., with offices at Two University Plaza Drive, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Michael J. Romanik, AIA, of 291 Crooks Avenue, Paterson, New Jersey, an architect; Nicholas A. Graviano, PP, AICP, JD, of Holmdel, New Jersey, a planner; and Thomas G. Stearns, PE, of 144 Jewel Street, Garfield, New Jersey, an engineer.

Mr. Tuvel stated that the applicant proposes to construct a second story on the existing building at the subject premises; that the building addition will consist of 8,971 square feet; that a use variance is required for an expansion of a non-conforming use; that a conditional use variance is required since the use is located

on a lot within 100 feet of a residence; further, that the application does not satisfy the area height, bulk, and off-street parking and loading and unloading and buffer for industrial plants in an M-2 zone; that bulk variances are also required for the front yard, rear yard, side yard, parking stall size, and parking area setback.

Mr. Tuvel stated that the applicant is also seeking preliminary and final major site plan approval and any additional design waivers and other approvals as may be determined to be necessary without further notice to the public.

Chrmn Zecchino acknowledged the reports of Neglia Engineering dated January 10, 2020, and Gregory Associates dated February 13, 2020.

Mr. Romanik testified as an architect and reviewed the proposed plans showing the Getty Avenue elevation which was marked "A-1" in evidence. Mr. Romanik continued to testify as to the elevation schedule, the existing ground floor, the proposed second floor plan, the existing left side elevation and proposed left side elevation, the proposed rear elevation and the existing rear elevation; the proposed Getty Avenue elevation and existing Getty Avenue elevation; that the second floor will have ten rooms; that the applicant does not utilize any large trucks.

Thomas Stearns testified as an engineer and described the project, the grading, the drainage, the utility, the landscaping, lighting, and traffic review.

Chrmn Zecchino noted that the plans must be reviewed by the Fire Department and Police Department as indicated in the Neglia report and requested that a copy of the Lease of the premises for the adjacent property be forwarded to the Board for review.

Nicholas A. Graviano testified as a planner and stated that warehouse and storage of construction equipment are conditional uses in the M-2 zone; that the uses are already permitted which satisfies the positive criteria; that the proposal advances the purposes of the Municipal Land Use as set forth in N.J.S.A. 40:55D-2; that there will be no detriment to the site since the use already exists; that there will be no impairment of the zone plan and the zone ordinance; that the proposal complies with the provisions of the Master Plan concerning upgrading of commercial uses in industrial zones; that the C variances requested are pre-existing; that the benefits of the application outweigh the detriments, if any.

In response to questions raised by the Board, Mr. Tuvel stated that there will be 28 employees, and the hours of operation are from 7 A.M. to 7 P.M.; that the applicant will comply with all the recommendations set forth in the report of Neglia Engineering Associates.

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

Noonburg, 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. **UKRAINIAN CULTURAL CENTER OF CLIFTON,**  
Re-Subdivision; **INC.**, 110 Vincent Drive, Block 63.01, Lots  
Use 24.01 and 24.02 – RA1 – Re-subdivision of the  
Variance; property into one single lot, use variances for the  
Variances proposed use as a cultural, educational and  
social center and for having more than one  
principal use on the same lot and bulk variances  
for building height (30' permitted 32.89'  
proposed), and size of parking spaces  
(9'x19' permitted, 8'x18' proposed).

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Andrew Podberezniak, R.A. of 11 High Point Drive, Springfield, New Jersey, an architect; Thomas G. Stearns, PE, of 144 Jewel Street, Garfield, New Jersey, an engineer; and Lillianna Chudolij of 281 Urma Avenue, Clifton, New Jersey.

There were a number of parties present in favor of the application: Rose Filip, 213 Colfax Ave.; Mary Chomko Guida, 107 Fordham Rd.; Helen Humerzyck, 96 Independence; Neua Kapitula, 18 Beaumont Ter., N. Caldwell, NJ 07006; Rev. Andriy Dudkevych, 60 Holdsworth, Passaic, NJ; Christine Farrell, 596 Ridge Rd. CG; Wolodymyr & Sonia Lechicky, 54 Avondale Ave., Clifton; Oksana Hnatzak, 75 Bender Dr., Clifton; Christina & Daria Temnycky, 36 Independence Ct., Clifton; Daria Halaburda Patti & Joseph C. Patti, 123 Pearl Brook Dr. 07013; Thomas J. Patti, 7 Potter Rd., Clifton 07013; Pawel Hyra, 17 Barbara Dr., Clifton, NJ 07013; Maryann Hoholuk, 38 Rabkin Dr., Clifton, NJ 07013; Anna & Roman Diduch, 312 Speer Ave., Clifton 07013; John A. Zielonka, 93 Sand Rd., Fairfield 07004; Mykhaylo Yemtchuk, 130 Rowland Ave., Clifton, NJ 07012; Walter Lisint, 714 Clifton Ave., Apt. 415, Clifton, NJ; Zenon Betley, 312 Semel Ave., Garfield, NJ; George Putykewycz, 289 South Parkway, Clifton; Stefin Zurawski, 161 Knapp Ave., Clifton, NJ; Lesia & Nicholas Glodava, 73 Rollins Ave., Clifton, NJ 07011; Lesia Krysna, 2 Tamarack Ln., Pine Brook, NJ; Walter Smolak, 52 Knapp Ave., Clifton, NJ; Luba Mikula, 88 Mt. Hope Rd., Rockaway, NJ; Ann & Arthur Padko, 25 Salmon Rd., Landing, NJ; Michael & Anna Porada, 9 Rutgers Pl, Clifton, NJ;

Christine Porada-Walsh, Christian Walsh Jr. & Christian Walsh Sr., 4 Meadow Ct., Fairfield, NJ; Alina Toporivska, 44 Passaic Ave., North Haledon, NJ; Richard Porada, Anna Porada, & Jonathan Porada, 9 Rutgers Pl., Clifton, NJ; Tamara Porada, 710 Newcomb Rd., Ridgewood, NJ; Tanya Padko, 147 Woods Edge Dr., Succasunna, NJ; Andrew & Chrystine Zurawski, 91 Ridgewood Rd., Clifton, NJ; Stephen Maksymiw, 111 Thanksgiving Ln., Clifton, NJ; Michael Maksymiw, 57 Manor Drive, Clifton, NJ; Alexander & Lillianna Chuddij, 281 Urma Ave., Clifton, NJ; Jody, Nick, Anna, Alexander & Peter Zielonka, 196 Mt. Pleasant Ave., Wallington, NJ; Olga Figol, 37 Mount Cedar Ave., Wallington; Maria & Andrew Harhj, 44 Knapp Ave., Clifton, NJ 07011; Paula, Kalyna & Orest Figol, 37 Mt. Cedar Ave., Wallington, NJ 07057; Antonina & John Lielonka, 28 Lexington Ave., Wallington, NJ; Helen Klics, 8 Narcissus Drive, Wallington; Roman Andrach, 238 Lee St., Elmwood Pk., NJ; John & Julia Karlicki, 28 Van Ness Ct., Clifton, NJ; Igor Lonkachouk, 25 Lotz Hill Rd., Clifton, NJ; John Kotys, 236 E. Lindsley Rd., Cedar Grove, NJ; Maria & Richard Jachens, 61 Thanksgiving Lane, Clifton, NJ; Nina Leahy, 118 Tuxedo Ave., Hawthorne, NJ; Lydia Celuch, 9 Robinson Ct., North Haledon, NJ; Jonathan Porada, 9 Rutgers Pl., Clifton, NJ; Alexander Wasenda, 11 Raffale Place, Waldwick, NJ; Yevhen Hunko, 32 Oak Lane, Verona, NJ; Nestor Szewczyk, 312 Semel Ave., Garfield, NJ; Michael Betley, 312 Semel Ave., Garfield, NJ; Catie Bukalo, 98 Comly Rd., Lincoln Park, NJ; Rick Russell, 98 Comly Rd., Lincoln Park, NJ; Isabella & Ihor Andruch, 40 Fordham Road, Clifton, NJ; Margaret, Katherine, James & Mary Montovano, 96 Fairfield Rd., Clifton, NJ. (names are typed from handwritten list).

There were a number of parties present opposed to the application: Joseph Soma, 119 Holster Rd.; Felicia Hinsinger, 79 Chatham Terrace; Vishal Karndar, 73 MacArthur Dr., MaryAnn DiSabato, 21 Brantwood Pl., Eleanor & Joseph Ferriero, 15 Brantwood Pl., Catherine Megard, Fairfield Rd. (names are typed from handwritten list).

Mr. Carlet stated that the applicant proposes a cultural center, including educational and recreational uses and associated improvements including a two-story building addition adjacent to the existing restaurant building, parking lot improvements, curbing, lighting, and landscape improvements. The applicant is also seeking a D-1 use variance for more than one use on the lot, a D-1 use variance for a cultural center, and C variances for building height where 30 feet is permitted and the applicant is proposing 32.89 feet; parking stall size 9- by 19-feet which is permitted and the applicant is proposing 8- by 18-feet; requirement that the applicant provide interior lot landscaping a minimum of 20 square feet for each parking space within a minimum landscape dimension of 5- by 5-feet.

The Board acknowledged receipt of report from Neglia Engineering Associates dated January 16, 2020, and Gregory Associates dated February 14, 2020.

Andrew Podberezniak testified as an architect and gave testimony concerning the plans he prepared for the project dated November 15, 2019; that the first floor renovation will consist of 2,981 square feet; that the first floor addition will be 10,678 square feet; that the second floor addition will be 3,069 square feet for a total of 16,728 square feet; that the added floor renovation will be 977 square feet.

Marked into evidence were the following exhibits: "A-1" the rendering of the proposed front of the building; and "A-2" a rendering of the proposed rear of the building.

Mr. Podberezniak further testified that proposal is for a cultural center, including education and recreational uses; other improvements include a two-story building addition adjacent to the existing restaurant building, parking lot improvements, curbing, landscaping and lighting improvements; that the proposal calls for parking for 169 vehicles; that the plans show the expanded building to have three multi-purpose rooms ranging from 949 square feet to 5,137 square feet on the first floor; that the largest multi-purpose room contains a stage; that the second largest multi-purpose room contains a bar with 20 seats, a kitchen, men's and women's restroom and storage is proposed on the first floor; that the second floor is proposed to house six classrooms and a men's and women's restroom.

Lillianna Chudolij testified as the Social Director of the Ukrainian Center and stated that the applicant was formed to promote Ukrainian history, culture, and heritage; to provide information on the same, including maintenance of a library to benefit the general public including residents and recent immigrants who are of Ukrainian descent in Passaic County; providing classes for adults and children on Ukrainian art, dancing, embroidery, pysanka-decorated eggs, and language and to host festivals and events related to the Ukrainian culture. The applicant further provides charitable assistance in the form of emergency funds and non-monetary assistance—such as, clothing or food—and the building, constructing, or renovating, owning and/or managing affordable senior housing for low income or senior members of the Ukrainian community in Passaic County. The activities and programs include Ukrainian folk dancing, Ukrainian folk artistry, Ukrainian cuisine, Ukrainian music appreciation, Ukrainian music and folk tale appreciation for children, Ukrainian library, and adult citizen education and beginning English as a second language. Classes are held weekly or biweekly for public school students, after school or in the evening, based on grades attended, to teach students Ukrainian language, history, and heritage. There are also social activities. The bar will be open during normal hours, and all-purpose rooms will be used for various indoor athletic events—such as, volleyball, soccer, and lacrosse. The rooms will also be



available for theatrical events in the theatre in the multi-purpose room. There will also be weddings held at the premises. There are numerous evening activities Monday through Friday at the Center; that activities normally start at 6 P.M. and run until possibly 8:30 or 9 P.M. with approximately 70 participants; that there will be no pre-K at the school; that there will be no summer camp at the site.

There were numerous questions presented by the objectors to the application concerning access to and egress from the site, adequacy of the parking, concerns for noise from the premises which may affect the neighborhood, and the adequacy of the site for the development and the activities to be conducted.

At this point in the hearing, Chrmn Zecchino continued the matter until the March 18, 2020, meeting of the Board with no further public notice. Thereupon, the matter was continued by the Board until the March 18, 2020, meeting of the Board.

### COMMUNICATIONS

Chrmn Zecchino stated that the next order of business would be the communication on the Agenda requesting an extension of variance approval for the application of DANIEL & MARGARITA KATZEVICH, 13 Somerset Place, Clifton, New Jersey, Block 56.07, Lot 11.02, requesting a 90 day extension carrying the approval to June 18, 2020. Thereupon, Vice-Chrmn Gerard Scorziello moved to approve the variance extension. The motion was seconded by Comr Roy Noonburg with the unanimous approval of the entire Board.

### RESOLUTIONS

Chrmn Zecchino stated that the Board would act upon the Resolutions set forth on the Agenda:

1. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ESTATE OF RAYMOND SIKORSKY for use variance to permit a commercial cleaning business use for general office purposes and for parking of commercial vehicles in the operation of the business at 872 Grove Street, Block 74.10, Lot 21, was adopted.

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JULIO & ALICIA MUNOZ for rear yard setback and street side yard setback variances for a second floor addition and a second floor deck at 198 Mt. View Drive, Block 27.03, Lot 45, was adopted.

3. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DOVID LISKER for lot coverage, combined side yards, right side yard, and front yard setback variances for a two-story addition at 55 Ravona Street, Block 57.07, Lot 4, was adopted.

There being no further business before the Board, Vice-Chrmn Gerard Scorziello moved to adjourn. The motion was seconded by Comr Scott Sochon with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF FEBRUARY 19, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: DANIEL & MARGARITA KATZEVICH  
for premises known as: 13 Somerset Place, Block 56.07, Lot 11.02  
be and the same is hereby:**

At the request of the attorney for the applicant, the Board has adopted the following Resolution:

BE AND THE SAME IT IS HEREBY RESOLVED that the Resolution granting the application of Daniel and Margarita Katzvich, 13 Somerset Place, Block 56.07, Lot 11.02, for conditional use variance approval to utilize the property for a flex-industrial building with warehousing distribution, contractor storage, and manufacturing and office use be and the same is approved for a period of 90 days carrying the approval to June 18, 2020.

**Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.  
Seconded by: Comr ROY NOONBURG.  
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 19, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HASSAN ZEIDIEN for premises known as: 10 Oak Ridge Road, Block 41.14, Lot 2 be and the same is hereby: GRANTED a 5-foot-high solid fence with a 1-foot-high lattice on top for a total of 6 feet on the sides of the rear yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 19, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to install a 6-foot-high fence on the sides of the rear yard where a 5-foot-high fence is permitted at premises located at 10 Oak Ridge Road, Block 41.14, Lot 2, 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's premises is located adjacent to a commercial bank which has major activity that directly effects the applicant's subject premises;
- b. The applicant proposes 6-foot-high fences on both sides of the rear yard;
- c. The applicant has stipulated to a 5-foot-high solid fence with a 1-foot-high lattice for a total of 6-feet high;
- d. The fence will provide security and privacy for the applicant and his family;
- 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 fence 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 fence will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to erect a 5-foot-high solid fence with a 1-foot-high lattice for a total of 6 feet on both sides of the rear yard of the subject premises located at 10 Oak Ridge Road, Block 41.14, Lot 2, be and the same is hereby approved and the variance 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 (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 LOUIS DE STEFANO.**

**Seconded by: Comr SCOTT SOCHON.**

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

**MEETING OF FEBRUARY 19, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 152-164 GETTY AVE CORPORATION for premises known as: 156-164 Getty Avenue, Block 11.02, Lot 56 and Block 11.22, Lot 1.01 be and the same is hereby: GRANTED preliminary and final major site plan approval, use variance, bulk variance, and design waiver/exception relief to construct a second story addition to the existing warehouse and office building.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 19, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance and bulk variance as aforesaid to construct a second story addition to the existing warehouse and office building at premises located at 156-164 Getty Avenue, Block 11.03, Lot 56 and Block 11.22, Lot 1.01, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to construct a second story addition on the existing building consisting of 8,791 square feet;
- b. A use variance is required for an expansion of a non-conforming use;
- c. A conditional use variance is required since the applicant does not satisfy several conditions of the ordinance;
- d. Bulk variances are required for the front yard, rear yard, side yard, parking stall size, and parking area setback, all of which are pre-existing;
- e. Based upon the testimony presented by the applicant's planner, the applicant has satisfied the positive and negative criteria required for the grant of the use variance and the conditional use variance;
- f. The applicant has stipulated to comply with all the recommendations set forth in the report of Neglia Engineering Associates dated January 10, 2020;
- g. Based upon the testimony of the applicant's planner, the proposal advances the purposes of the Municipal Land Use Law and furthers the provisions of the Master Plan concerning upgrading of commercial uses in an industrial zone;
- h. The applicant has shown sufficient hardship to justify the grant of the bulk variances 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 which encourages the upgrading of commercial uses in industrial zones; and

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare since the applicant provides adequate off-street parking spaces located on an adjacent property;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to construct a second story addition on the existing building at premises located at 156-164 Getty Avenue, Block 11.03, Lot 56 and Block 11.22, Lot 1.01, be and the same is hereby approved and the preliminary and final major site plan approval, use variances and conditional use variance and bulk variances along with design waiver and exception relief

be and the same are hereby granted subject to such further governmental approvals as may be required by law and **subject to the following:**

**a. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING ASSOCIATES DATED JANUARY 10, 2020, INCLUDING COMPLIANCE WITH REPORTS FROM THE CLIFTON FIRE DEPARTMENT AND CLIFTON POLICE DEPARTMENT; and further subject to the following:**

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

**Resolution moved by: Comr GEORGE FOUKAS.**  
**Seconded by: Comr MICHAEL MOLNER.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**