

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, March 4, 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 Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the February 19, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

#### CONTINUED HEARINGS

1. MEADOWLANDS ATHLETIC CENTER,  
Use 316 Colfax Avenue, Unit C, Block 28.02  
Variance; & 29.04, Lot 20 – M-1 – Applicant  
Site Plan proposes to use an industrial space for  
Approval individual/group/team instruction of  
cheerleading/tumbling, manufacturing of  
floor equipment, and office for sales/  
rental of cheerleading related equipment/  
clothing/parties/DJ services, etc.  
A use variance is required for the  
instruction of cheerleading/tumbling.  
Applicant will also seek site plan approval  
with waivers and any other variances that  
the board may require.

Present and sworn were the following: Michele Stirone of 27 Park Avenue, North Arlington, New Jersey; Mitchell Fishman of 310, 314, 316 Colfax Avenue,

Clifton, New Jersey; Michael Castellano, 1701 78<sup>th</sup> Street, North Bergen, New Jersey; James Hobin, 308 Colfax Avenue, Clifton, New Jersey; and Joseph Staiger of 245 Main Street, Chester, New Jersey. Present and sworn was objector, Todd Morici of 300 Colfax Avenue, Clifton, New Jersey, who was represented by his attorney, Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey.

Chrmn Zecchino stated that the Board is in receipt of documents obtained from the Passaic County Planning Board by the objector, Todd Morici, concerning the subject premises; that the documents indicate that a preliminary site plan was approved for flex use by the Clifton Zoning Board by Resolution dated February 20, 2008, which Resolution conditioned approval upon the applicant obtaining Passaic County Planning Board approval; that the site plan was never granted any approvals by the Passaic County Planning Board; that the documents include a communication from Elizabeth Newton, the Principal Planner for the County of Passaic, withholding approval for the plan pending receipt of a number of items which apparently were never produced to the County and, therefore, the preliminary site plan approval granted to the applicant by the Board was never perfected; that under the statutes, the Clifton Zoning Board must give deference to the Passaic County Planning Board; that under the circumstances, the applicant is required to obtain approval from the Passaic County Planning Board; that since the present application concerns the subject premises, it is recommended that the Board dismiss the application without prejudice to permit the applicant to go back to the Passaic County Planning Board and obtain the proper approvals before the Board is in a position to act upon the within matter.

Thereupon, Comr Louis DeStefano moved to dismiss the matter without prejudice. The matter was seconded by Comr Scott Sochon. 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 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. **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.

Chrmn Zecchino called the matter, and no one appeared on behalf of the applicant.

Thereupon, Vice-Chrmn Gerard Scorziello moved to dismiss the matter without prejudice. The motion was seconded by Comr Roy Noonburg. 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 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.

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).

This matter was previously continued by the Board to the March 18, 2020, meeting of the Board.

## NEW HEARINGS

1. **JUAHA E. GONZALEZ**, 215 East 9<sup>th</sup> Street,  
Variance Block 6.09, Lot 1 – RB1 – Applicant proposes  
to build a roof over the front stoop. The front  
yard is proposed at 9.4’ where 21’ is  
required (existing setback is 13.4’).

The applicant and her son, Mario Gonzalez, residing at 215 East Ninth Street, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant, through her son, testified that she requests variance approval to build a roof over the front stoop; that the front yard is proposed at 9.4 feet where 21 feet is required and presently existing is 13.4 feet.

There was one interested party, Francesco Pucci, of 224 Merselis Avenue, Clifton, New Jersey, who stated he had no objections to the application.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. 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.

2. **RACHEL & DAVID SNYDER**, 11 Belmont  
Variance Avenue, Block 70.03, Lot 30 – RA3 –  
Applicant proposes to build a two-story  
addition on the right side of the house.  
A variance is requested for rear yard  
setback, 26.1’ proposed and 35’ required.

The applicants, residing at 11 Belmont Avenue, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Rachel Snyder testified that she and her husband propose to build a two-story addition on the right side of the subject premises; that a variance is required for a rear yard setback; that the rear yard setback requirement is 35 feet, and the applicant is proposing 26.1 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 variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. 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. **AHMAD DUQMAQ, 12 Chestnut Street,**  
Variance **Block 15.12, Lot 10 – RB1 – Applicant**  
proposes to install a driveway on the right side of home. The driveway is proposed 0' from the right side yard where 5' is required.

The applicant and his wife, residing at 12 Chestnut Street, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he proposes to install a driveway on the right side of the subject premises; that the driveway is proposed 0 feet from the right side yard line where 5 feet is required; that he has three cars in his family, and the purpose of the driveway is to take vehicles off the street.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Comr Louis DeStefano. 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.

4. CUENCA CORONEL REALTY, LLC,  
87-109 Wabash Ave., Block 5.07,  
Lot 9 & 11 – M-2 – Applicant seeks to  
extend its permitted hours of operation  
5 A.M. to 7 P.M. The 5 A.M. departure  
would be limited to no more than  
10 vehicles.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Mauro Cuenca of 87-109 Wabash Avenue, Clifton, New Jersey. There were a number of objectors: Richard Bandurski, 117 Wabash Ave.; Freda Williams, 105 Wabash Ave.; and Andrew Bandurski, 117 Wabash Ave., all of Clifton, New Jersey. There was one interested party: John Cer, 387 Crooks Avenue, Clifton, New Jersey.

Mr. Peterson stated that the applicant seeks approval to extend the permitted hours of operation from 5 A.M. until 7 P.M.; that currently, under the approval that the applicant received on July 18, 2018, the applicant stipulated to hours of operation from 6 A.M. to 6 P.M.; that during the morning hour from 5 A.M. to 6 A.M., there will be no more than ten vehicles that will leave the site; that between the hour of 6 P.M. and 7 P.M., there will be no more than 20 vehicles which will arrive at the premises.

Offered into evidence which was marked "A-1" were five pages of photographs of the subject premises.

Mr. Peterson stated that the applicant works from Monday through Friday; that the prior user worked seven days a week; that the applicant's use is less intense than the prior user of the premises.

Mr. Cuenca testified as to the operations at the site and displayed a handheld device which emitted the type of sounds from trucks at the site.

At this point, Mr. Peterson attempted to offer into evidence written statements received from neighbors not opposed to the application. Chrmn Zecchino denied the request. Counsel Pogorelec stated that the case of Siebert v. Dover Township clearly indicates that the Board of Adjustment may not obtain written statements without the presence of the parties which would allow for cross-examination of same.

In objecting to the application, Freda Williams, Richard Bandurski, and Andrew Bandurski testified that 5 A.M. is too early; that the trucks create noise which disturbs the neighborhood; that there is too much activity at the site; that the trucks also create dust, and there is much more activity now than there was before the tow truck company which operated prior to the applicant's use of the premises.

In support of the application, John Cer stated that the trucks make less noise than cars that drive at night from 6 P.M. to 2 A.M.; that the applicant has done an honorable job in sprucing up the premises and is an asset to the neighborhood.

Mr. Peterson presented a closing statement and noted that there were only two objectors to the application.

After a review of the application, Comr Roy Noonburg moved to deny the application, indicating that when the Board approved the matter initially, the Board was very fair in granting the hours of operation from 6 A.M. to 6 P.M. Comr Noonburg further instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino. Voting in the negative was Vice-Chrmn Gerard Scorziello who stated that the applicant is properly in an M-2 zone and from the photographs, has upgraded the premises. By a six to one vote, the motion carried, and the application was denied 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.                   **HECTOR LEDEZMA**, 319 Lexington Ave.,  
Use                   Block 8.21, Lot 15 – RB3 – Applicant  
Variances;         proposes to convert a building that  
Variances         currently contains a single first floor  
                          apartment and 7 single room occupancy  
                          units (rooming house) on the second  
                          floor to a professional office on the first  
                          floor and two apartments on the second  
                          floor. A use variance is required for an  
                          office in an RB-3 zone and for two uses  
                          on one lot. The rooming house use will  
                          be eliminated. A parking variance is

requested, 9 spaces required for office and 4 spaces for the dwelling units, total 13 parking spaces and 6 parking spaces proposed. Parking area is proposed at 0' from the right side and rear lot lines where a 5' setback is required. Parking area (driveway) is proposed at 44.6' wide where a maximum of 20' is permitted.

The applicant, residing at 242 Lexington Avenue, Passaic, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to convert a building that currently contains a single first floor apartment and seven single-room occupancy units conducted as a rooming house on the second floor to a professional office on the first floor and two apartments on the second floor; that the rooming house use will be eliminated; that a use variance is required for an office in an RB-3 zone; that a use variance is also required for two uses on one lot; that a parking variance is required where 13 spaces are permitted, and the applicant is proposing six spaces; that the parking area is proposed at 0 feet from the right side and rear lot line where a 5-foot setback is required; that the parking area is proposed at 44.6-foot-wide where a maximum of 20 feet is permitted.

Zoning Officer Daniel Howell suggested that the parking area be repaved but not striped.

After a review of the testimony, Comr Louis DeStefano moved to grant the application with the stipulation that the parking lot be repaved but not striped. Comr DeStefano further instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice-Chrmn Gerard Scorziello. 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.

## 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 Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING a 90-day extension of time for the Resolution GRANTING the application of DANIEL & MARGARITA KATZEVICH for a flex-industrial building with warehousing distribution, contractor storage, and manufacturing and office use at 13 Somerset Place, Block 56.07, Lot 11.02, to June 18, 2020, was adopted.

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of HASSAN ZEIDIEN for 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 at 10 Oak Ridge Road, Block 41.14, Lot 2, was adopted.

3. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 152-164 GETTY AVE CORPORATION for 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 at 156-164 Getty Avenue, Block 11.03, Lot 56 and Block 11.22, Lot 1.01, was adopted.

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,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MEADOWLANDS ATHLETIC CENTER for premises known as: 316 Colfax Avenue, Unit C, Block 28.02 and 29.04, Lot 20 be and the same is hereby: DISMISSED WITHOUT PREJUDICE for a use variance and site plan approval for individual/group/team instruction of cheerleading/tumbling, manufacture of floor equipment, and office for sales/rental of cheerleading related equipment/clothing/parties/DJ services.**

Testimony concerning the aforesaid application was taken by the Board at its meetings on January 15, 2020, and March 4, 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 dismiss the application without prejudice on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval as aforesaid along with site plan approval to use an industrial space for cheerleading, tumbling, manufacture of floor equipment, and office for sales and rental of cheerleading-related equipment at premises located at 316 Colfax Avenue, Unit C, Block 28.02, Lot 20, and Block 29.04, Lots 1, 2, and 3, which premises are located in an M-1 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant and reviewed the records of the Passaic County Planning Board, has made the following factual findings:

a. The premises in question was the subject of a site plan application before the Zoning Board of the City of Clifton on February 20, 2008, which was approved for flex use subject to conditions, one of which was approval by the Passaic County Planning Board;

b. An Open Public Records Act request was made of the Passaic County Planning Board records which revealed that the site plan previously approved by the Zoning Board and conditioned for approval by the Passaic County Planning Board was, in fact, never granted by the Passaic County Planning Board;

c. A review of the records show a communication from Elizabeth Newton, the Principal Planner of the Passaic County Planning Board, dated February 25, 2008, indicating that approval for the plan was being held pending receipt of drainage plans, revised plans for curbs, and handicap parking, all as set forth in said communication;

d. Pursuant to statute, the approval given by the Zoning Board is subject to approval by the Passaic County Planning Board since the premises are located on a County street;

e. The subject matter of the within application is located on the property which has not received the proper approval from the Passaic County Planning Board;

f. Pursuant to statute, the Board must defer to the Passaic County Planning Board; and

WHEREAS, the Board finds that it is inappropriate for the Board to consider the within application since the applicant has failed to satisfy the conditions set forth in its previous Resolution which was granted on February 20, 2008;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for premises located at 316 Colfax Avenue, Unit C, Block 28.02 and 29.04, Lot 20, be and the same is hereby DISMISSED WITHOUT PREJUDICE in order to enable the owner of the premises to appear before the Passaic County Planning Board and satisfy the conditions set forth in the previous Resolution granting site plan approval on February 20, 2008.

**Resolution moved by: Comr LOUIS DE STEFANO.**  
**Seconded by: Comr SCOTT SOCHON.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: RALPH TRAVELLIN  
for premises known as: 956 Van Houten Ave., Block 35.10, Lot 1  
be and the same is hereby: DISMISSED WITHOUT PREJUDICE for lack of  
appearance.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 5, 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, Vice-Chrmn Gerard Scorziello moved to dismiss the application without prejudice on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval for two uses on one lot, service station and used car license at premises located at 956 Van Houten Avenue, Block 35.10, Lot 1, which premises are located in a B-C zone; and

WHEREAS, when the matter was called for hearing on March 4, 2020, no one appeared;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid at premises located at 956 Van Houten Avenue, Block 35.10, Lot 1, be and the same is hereby DISMISSED WITHOUT PREJUDICE for lack of prosecution by the applicant.

**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 MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JUAHA E. GONZALEZ for premises known as: 215 East 9<sup>th</sup> Street, Block 6.09, Lot 1 be and the same is hereby: GRANTED a front yard setback variance for a roof over the front stoop.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 4, 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 Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for a roof over the front stoop at premises located at 215 East 9<sup>th</sup> Street, Block 6.09, Lot 1, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to build a roof over the front stoop;
- b. The front yard setback requirement is 21 feet, and the applicant is proposing 9.4 feet;
- c. The existing front yard setback is 13.4 feet;
- 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to build a roof over the front stoop at premises located at 215 East 9<sup>th</sup> Street, Block 6.09, Lot 1, be and the same is hereby approved and the front yard setback 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 ROY NOONBURG.**  
**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.**

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RACHEL & DAVID SNYDER for premises known as: 11 Belmont Avenue, Block 70.03, Lot 30 be and the same is hereby: GRANTED a rear yard setback variance for a two-story addition on the right side of the house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 4, 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 Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback variance approval as aforesaid to build a two-story addition on the right side of premises located at 11 Belmont Avenue, Block 70.03, Lot 30, 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 to build a two-story addition on the right side of the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 26.1 feet;
- 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 a two-story addition on the right side of premises located at 11 Belmont Avenue, Block 70.03, Lot 30, be and the same is hereby approved and the rear yard setback 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 MICHAEL MOLNER.**  
**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano,**  
**George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and**  
**Chrmn Mark Zecchino.**

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AHMAD DUQMAQ for premises known as: 12 Chestnut Street, Block 15.12, Lot 10 be and the same is hereby: GRANTED right side yard setback variance to install a driveway 0 feet from right side yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 4, 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 Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to install a driveway on the right side of the home at premises located at 12 Chestnut Street, Block 15.12, Lot 10, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to install a driveway on the right side of its premises;
- b. The right side yard setback requirement is 5 feet, and the applicant is proposing 0 feet;
- c. The applicant has three vehicles which he desires to park on the driveway and which will come off of the street;
- 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 proposed driveway 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 driveway will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to install a driveway on the right side at premises located at 12 Chestnut Street, Block 15.12, Lot 10, be and the same is hereby approved and the right side yard setback 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 ROY NOONBURG.**  
**Seconded by: Comr LOUIS DE STEFANO.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CUENCA CORONEL REALTY, LLC for premises known as: 87-109 Wabash Ave., Block 5.07, Lot 9 & 11 be and the same is hereby: DENIED approval to extend its permitted hours of operation to 5 A.M. to 7 P.M.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 4, 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 Roy Noonburg moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests approval from the Board to extend its permitted hours of operation to 5 A.M. to 7 P.M. at premises located at 87-109 Wabash Avenue, Block 5.07, Lot 9 & 11, which premises are located in an M-2 zone; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, interested party in favor of the application, and objectors to the application, has made the following factual findings:

- a. On July 18, 2018, the Board did grant conditional use and use variance to the applicant for a storage and maintenance facility for a construction trucking business;
- b. The applicant testified that its hours of operation would be from 6 A.M. to 6 P.M., Monday through Friday;
- c. The applicant now requests expansion of said hours of operation from 6 A.M. to 6 P.M. to 5 A.M. to 7 P.M.;
- d. Based upon the testimony presented by the objectors, there is much activity at the site, dust is created, noise which disturbs the neighborhood, and additional traffic in the area;
- e. The applicant has shown no need to expand the hours of operation;
- f. The applicant's facility is located adjacent to a residential district, and the proposal for the expansion of hours of operation may be detrimental to the adjacent neighbors;
- g. The applicant has shown no hardship to justify the grant of the request;
- h. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to expand its hours of operation at premises located at 87-109 Wabash Avenue, Block 5.07, Lot 9 & 11, be and the same is hereby disapproved and the expansion of hours be and the same is hereby denied.

**Resolution moved by: Comr ROY NOONBURG.  
Seconded by: Comr GEORGE FOUKAS.  
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano,  
George Foukas, Roy Noonburg, and Chrmn Mark Zecchino.**

**MEETING OF MARCH 4, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HECTOR LEDEZMA for premises known as: 319 Lexington Avenue, Block 8.21, Lot 15 be and the same is hereby: GRANTED use variance for office in an RB3 zone and for two uses on one lot, parking variance, and variance for rear yard and side yard parking setback and parking area driveway.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 4, 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 use variances, parking variances, and bulk variances to convert a building that currently contains a single first floor apartment and seven single-room occupancy units on the second floor to a professional office on the first floor and two apartments on the second floor at premises located at 319 Lexington Avenue, Block 8.21, Lot 15, which premises are located in an RB3 zone; and

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

- a. The proposed conversion will eliminate a rooming house use;
- b. The proposed conversion is more desirable and will be aesthetically pleasing;
- c. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- d. The applicant has shown sufficient hardship to justify the parking variance as well as the setback from the rear, side, and rear lot line;
- 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 to convert a building currently containing a single-floor apartment and seven single-room occupancy units on the second floor to a professional office on the first floor and two apartments on the second floor at premises located at 319 Lexington Avenue, Block 8.21, Lot 15, be and the same is hereby approved and the use variance, parking variance, and other requested bulk variances be and the same is hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING STIPULATION:**

**A. THE APPLICANT WILL REPAVE THE PARKING LOT BUT DO NOT STRIPE;** 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 VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**