

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, March 16, 2022. Chrnm 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. Chrnm Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: URI JASKIEL AND ZALMAN GURKOV.

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

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

CONTINUED HEARINGS

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

and (2) number of building stories greater than permitted (2 stories permitted; 4 stories proposed).

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

This matter was previously continued by the Board to the April 6, 2022, meeting of the Board.

2.
Use
Variances;
Variances

EMPIRE REALTY MANAGEMENT CORP.,
94-96 Market Street, Block 68.03, Lot 43 – BC –
An approval to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the existing retail stores on Market Street and, in the rear, construct a three-story apartment building containing 26 senior citizens housing units restricted to tenants aged 55 and older. Two use variances are required, one to permit more than two principal uses on the same lot and second to permit housing in a B-C zone where no housing is permitted. Utilizing the bulk variances set forth in the Zoning Ordinance for the areas in which the two uses for which use variances are sought are permitted, as required by law, the following bulk variances are required: front yard 5' required 0' provided; minimum rear yard 10' required, 0' proposed; site yards, where the property abuts residential use, for the sideyards half of the height of the building is required. On the right side, 0' is proposed and on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard. It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

This matter was previously continued by the Board to the April 6, 2022, meeting of the Board.

NEW HEARINGS

1. **MESIVTA OF CLIFTON, INC.,**
Variance 369 Delawanna Avenue, Block 72.01, Lot 8
-- RB2 – Applicant is requesting relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision of the Municipal Code of the City of Clifton necessary for approval of the application, for an addition to a 1-family residence where a rear setback required is 35' and the rear setback is 24'.

Henry C. Walentowicz, Esq., with offices at 1035 Rt. 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were Stefan Correa of 55 Homer Street, Clifton, New Jersey; and Ernesto Soto of 37 Pleasant Avenue, Clifton, New Jersey. There were no objectors.

Mr. Walentowicz stated that the applicant requests variance approval for an addition to a one-family residence where the rear yard setback requirement is 35 feet, and the applicant is proposing 24 feet; that there is a large underground utility easement traveling through the middle of the premises which creates the applicant's hardship.

Mr. Correa testified that he is an employee and custodian for the school; that he is the contract purchaser of the premises; that he wants to live in the neighborhood; that the school will be closed at the site; that the premises will become a 3-bedroom, 2 bathroom house with no basement and will be taxable; that the premises has been vacant for over 10 years; that the house needs a lot of work; that the house is set back on the property since a storm sewer easement runs through the middle of the property; that the two-story addition will be constructed on the concrete block that is presently there; that at one time, there was a one-story room on the concrete block; that he will build in the same location on the concrete block.

Mr. Walentowicz had marked into evidence "A-1" which is a photograph of the premises.

Mr. Soto testified that he is a general contractor, having been in the business for 20 years; that he is familiar with the house and plans, referring to "A-1" in evidence; that the house needs a total renovation; that there will be no other exterior changes except for the proposed addition; that due to the utility easement, the house cannot be moved on the lot.

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

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

2. **KEVIN & KAREN URENA**, 30 MacArthur Drive, Block 63.01, Lot 1 – RA1 – Applicant proposes to construct an inground pool on their property that needs a front yard setback variance due to the odd shape of the lot. 60' is required where 23.8' is proposed.

The applicants, residing at 30 MacArthur Drive, Clifton, New Jersey, were present and sworn. There were no objectors.

Mr. Urena testified that the applicant proposes to construct an inground pool at the subject premises; that the front yard setback variance requested is due to the irregular shape of the property; that the front yard setback requirement is 60 feet, and he is proposing 23.8 feet.

Offered into evidence were the following exhibits:

“A-1” which is a photograph of the property;

“A-2” is a photograph of the premises at 27 Independence Court.

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

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

3. **STEVE TSIMPEDES & MICHAEL HALKIAS**, 7 Valley Road, Block 14.03, Lot 13 – RA3 –
Use Variance The constructed dormer appears to have an exterior wall higher than 5'0". This creates a three story house where only two story are permitted. The applicant seeks the dormer to remain as constructed.

The applicants, residing at 85 Sherwood Street, Clifton, New Jersey, were present and sworn. Also present and sworn was Frank D. Mileto, an architect and planner, with offices at 14 Beaver Brook Drive, Long Valley, New Jersey. There were no objectors.

Mr. Halkias stated that the constructed dormer appears to have an exterior wall higher than 5 feet; that this creates a three-story house where only two-stories are permitted; that the applicant requests that the dormer remain as constructed.

Mr. Mileto testified that he reviewed the plans; that there is a stairway dormer modified to allow safe code compliant dimensions to access the existing attic; that the dormer conforms with the height of the adjacent structure; that there will be no detriment to the public good or the impairment of the zone plan.

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

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

4. **JONATHAN RUIZ**, 109 Crooks Avenue, Block 1.03, Lot 3 – RB1 – Applicant is proposing a 6' solid fence along the right-hand side of the rear yard where 5' solid is required, as well as a small portion along the left side of their home where a 4' 50% open fence is required.

The applicant, residing at 109 Crooks Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a 6-foot-high solid fence along the right side of the rear yard where a 5-foot-high solid fence is required and along a small portion on the left side the dwelling where a 4-foot-high 50% open fence is permitted; that the purpose of the fence is for security and safety due to car and pedestrian traffic.

Chrmn Zecchino suggested a 5-foot-high solid fence with a 1-foot lattice on top instead of the 6-foot-high solid fence. The applicant stipulated that he would agree to the suggestion.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the approval for a 5-foot-high solid fence with a 1-foot-high lattice on top as requested by the applicant. Vice-Chrmn Scorziello instructed the Counsel Secretary to prepare the proper Resolution for approval. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

5. **STORAGE BLUE CLIFTON LLC,**
 Use 550 Lexington Avenue, Block 7.07, Lot 1
 Variance: -- B-C – Applicant is requesting relief, if
 Variances necessary, from any variances, approvals,
 waivers and/or exemptions from any
 applicable provision of the Municipal Zoning
 Code of the City of Clifton necessary for
 approval of the application, to renovate the
 existing warehouse, and change its use
 (“D” variance) to a self-storage warehouse
 plus the following bulk variances:
 -Maximum Building Coverage: Permitted
 60%; Proposed 74.12%;
 -Minimum Accessory Building: Permitted
 25 ft.; Proposed 10 ft.;
 -Minimum Distance to Main Building:
 Permitted 10 ft.; Proposed 5 ft.;
 -Parking Variance:
 -Ground Sign Variance; as well as a
 -final site plan approval and any other
 variances or design waivers required by
 the Applicant.

This matter was dismissed without prejudice upon motion made by Vice-Chrmn Gerard Scorziello and seconded by Comr Louis DeStefano due to defective notice.

RESOLUTIONS

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

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CLIFTON IL, LLC for preliminary and final site plan approval for a D(1) use variance, D(5) density variance, D(6) height variance, and bulk variances for maximum impervious lot coverage, excavation of slopes, uppermost point of a cut slope shall not be higher than the top of the nearest downhill structure or building, and parking to subdivide the property, remove buildings on Lot 14 and 15 and construct an Age 62+ senior independent living multi-family residential development with 50 units at 782, 784, 810 & 818 Valley Road, Block 24.01, Lots 11, 14, 15, and 18, was adopted. RA1 and Steep Slope

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of YEVGENIY KANTOR for a left side yard setback variance and combined side yard setback variance for a 10-foot-wide, second floor balcony on the left side of the dwelling at 18 Ellsworth Street, Block 43.23, Lot 8.02, was adopted. RB1

3. Upon motion made by Comr George Foukas, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of BARBARA QUINTANA & IVAN ENRIQUEZ for front yard setback variance to extend front porch and relocate front door at 19-21 Lambert Avenue, Block 22.06, Lot 30, was adopted. RB2

4. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of JIM BEIRNE to remove second floor deck and expand second floor bedroom at 35 Englewood Road, Block 68.11, Lot 18, was adopted. RA3

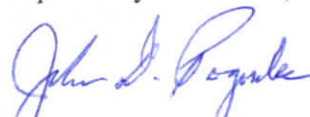
5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of ERIKA RYBACK for a use variance for an oven in the basement at 37 Jani Court, Block 39.05, Lot 39, was adopted. RA2

6. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of MESIVTA OF CLIFTON, INC. for an addition at 369 Delawanna Avenue, Block 72.01, Lot 8, was adopted. RB2

7. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of QUICKS REALTY LLC for a one-year extension of the approval for a mixed use two-story building at 802 Van Houten Avenue, Block 36.10, Lot 16, extension granted to March 17, 2023, was adopted. B-C

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 16, 2022.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MESIVTA OF CLIFTON, INC.
for premises known as: 369 Delawanna Ave., Block 72.01, Lot 8
be and the same is hereby: GRANTED rear yard setback variance for an addition to a one-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 16, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid at premises located at 369 Delawanna Avenue, Block 72.01, Lot 8, which premises are located in an RB2 zone; and

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

- a. The applicant proposes an addition to a one-family dwelling at the subject premises;
- b. The rear yard setback variance requirement is 35 feet, and the applicant is proposing 24 feet;
- c. The existing structure is built to the rear of the property due to a large underground utility easement traveling through the middle of the premises which constitutes the hardship of the applicant;
- 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 rear addition at premises located at 369 Delawanna Avenue, Block 72.01, Lot 8, 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 SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; and subject to the following:

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

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

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF MARCH 16, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **KEVIN & KAREN URENA**
for premises known as: **30 MacArthur Drive, Block 63.01, Lot 1**
be and the same is hereby: **GRANTED a front yard setback variance for an**
inground pool.

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 16, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for an inground pool at premises located at 30 MacArthur Drive, Block 63.01, Lot 1, which premises are located in an RA1 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 an inground swimming pool on the subject premises;
- b. Due to the irregular shape of the property, the applicant proposes the location of the pool in the front yard;
- c. The front yard setback requirement is 60 feet, and the applicant is proposing 23.8 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 construct an inground pool at premises located at 30 MacArthur Drive, Block 63.01, 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 SCOTT SOCHON.

Seconded by: Comr MICHAEL MOLNER.

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

MEETING OF MARCH 16, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **STEVE TSIMPEDES & MICHAEL HALKIAS** for premises known as: **7 Valley Road, Block 14.03, Lot 13** be and the same is hereby: **GRANTED** variance for a three-story structure where two stories are permitted and approval to maintain the dormer as constructed.

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 16, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to have an exterior wall higher than 5 feet which creates a three-story house where only two stories are permitted at premises located at 7 Valley Road, Block 14.03, Lot 13, which premises are located in an RA3 zone; and

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

- a. The applicant has constructed a dormer at the subject premises;
- b. The dormer exceeds the 5 feet which is permitted, thereby creating a three-story structure where only two stories are permitted;
- c. Based upon the testimony presented by the applicant's expert, the dormer serves as an access to the existing attic and is consistent with the height of adjacent structures;
- 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 permit an exterior wall higher than 5 feet which creates a three-story house where only two-stories are permitted at premises located at 7 Valley Road, Block 14.03, Lot 13, 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 SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED, and subject to the following:

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

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

Resolution moved by: Comr GEORGE FOUKAS.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MARCH 16, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **JONATHAN RUIZ**
for premises known as: **109 Crooks Avenue, Block 1.03, Lot 3**
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, along the right-hand side of the rear yard as well as a small portion along the left side of the structure.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 16, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to erect a 6-foot-high solid fence at premises located at 109 Crooks Avenue, Block 1.03, Lot 3, 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 erect a 6-foot-high solid fence as set forth above;
- b. A 5-foot-high solid fence is permitted, and along the left side the structure, a 4-foot-high, 50% open fence is permitted;
- c. The applicant proposes the fence for security and safety due to car and pedestrian traffic;
- d. The applicant has stipulated to constructing a 5-foot-high solid fence with a 1-foot high lattice on top, for a total of 6 feet, instead of the 6-foot-high solid fence;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposal 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 on top, for a total of 6 feet, along the right-hand side of the rear yard and a small portion along the left side of the home at premises located at 109 Crooks Avenue, Block 1.03, Lot 3, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; and subject to the following:

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr LOUIS DE STEFANO.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MARCH 16, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that
the application of: **STORAGE BLUE CLIFTON LLC**
for premises known as: **550 Lexington Ave., Block 7.07, Lot 1**
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE** due to defective
notice.

THIS MATTER, coming on for hearing before the Board; and the Board has
determined that the notice is defective; thereupon, this matter

BE AND THE SAME is hereby dismissed without prejudice.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr LOUIS DE STEFANO.
Affirmed by: Comrs George Silva, Scott Sochon, Michael Molner, Louis
DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark
Zecchino.