

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, April 6, 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 URI JASKIEL, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, AND CHRNM MARK ZECCHINO.

ABSENT: COMRS GEORGE SILVA AND VICE-CHRMN GERARD SCORZIELLO.

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 16, 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.

At the request of the attorney for the applicant, this matter was continued by the Board to the May 4, 2022, meeting of the Board.

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

This matter was continued by the Board until the May 4, 2022, meeting of the Board at the request of the attorney for the applicant.

NEW HEARINGS

1. **RYAN LAUETTE**, 12 Gould Terrace, Block 51.06, Lot 33 – RA1 – Applicant
Variance proposes to convert approx.. 90 sq. ft. of garage space into living space to be used as a proposed mud room. A variance is requested for a driveway in front of a house no longer completely serving a garage.

The applicant, residing at 12 Gould Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to convert approximately 90 square feet of garage space into living space at the subject premises; that the space would be used as a mud room; that a variance is required for a driveway in front of the house no longer completely serving a garage.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution subject to the condition that the applicant install two bollards, six feet apart, in front of the door. The motion was seconded by Comr Uri Jaskiel. Voting in the affirmative were Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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. **JONAH HOLLAND**, 357 South Parkway, Block 58.07, Lot 8 – RA3 – Applicant
Variances proposes a new 2 story rear addition. The following variances are requested:
1) Side yard setback proposed at 5.7' where 6' is required.
Applicant is also proposing changes to the front stoop which require an additional front yard variance. Setback proposed at 15'10" where 21' is required.

The applicant and his wife, Miriam Holland, residing at 357 South Parkway, Clifton, New Jersey, were present and affirmed to give testimony.

Jonah Holland testified that he proposes a new two-story rear addition; that the variances requested are the side yard setback proposed at 5.7 feet where 6 feet is required; that a change is being proposed for the front stoop which requires an additional front yard variance where 21 feet is required, and the applicant is proposing 15 feet 10 inches.

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

Foukas, 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. **Wael El-Zind**, 636 Van Houten Avenue, Block 37.01, Lot 17 – PD-2 – Applicant
Use
Variance;
Variances
- proposes to build a rear addition for storage of the gift shop only which requires the following variances:
- 1) Expansion of a preexisting non-conforming use.
 - 2) Bulk variances for side yard and rear yard setback.
 - a. Rear yard setback proposed at 8.5’;
 - b. Side yard setback proposed at 2’ on both left and right.
 - 3) Lot coverage proposed at 78%.

The applicant, residing at 636 Van Houten Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to build a rear addition for storage for the gift shop; that the variances requested are:

- a. Expansion of a pre-existing, non-conforming use;
- b. Bulk variances for side yard and rear yard setback; that the rear yard setback requirement is 35 feet, and the applicant is proposing 8.5 feet; that the side yard setback requirement is 6 feet on both left and right side yards, and the applicant is proposing 2 feet; and
- c. Lot coverage is proposed at 78 percent where 30 percent is permitted.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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. **JIM BEIRNE**, 35 Englewood Road, Block 68.11, Lot 18 – RA3 – Applicant
Variances
- proposes changes to a previous approved application. In this application, we are requesting a reduction in the square footage of the new raised deck. The first floor rear addition is also slightly reduced by @ 10 sf. The second floor bedroom addition will also be slightly increased by 100 sf. The following variances are requested:
- 1) Right side yard is 5.8’ and left side yard is 5’-7” where a minimum of 6’ is

required on one side yard.

2) Combined side yards are 11'-3" where a minimum of 16' is required.

3) Rear yard setback proposed at 31'-9" where 35' is required.

The applicant, residing at 35 Englewood Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Ruchi Dhan of 49 W. Mount Pleasant Avenue, Livingston, New Jersey, an architect. There were no objectors.

Ms. Dhan testified that the applicant proposes changes to a previously approved application by the Board on September 1, 2021; that the within application requests a reduction in the square footage of the new raised deck; that the first floor addition is also slightly reduced by approximately 10 square feet; that the second floor bedroom addition will also be slightly increased by 100 square feet; that the variances requested are:

1. The right side yard setback requirement is 6 feet, and the applicant is proposing 5.8 feet;
2. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.7 feet;
3. The combined side yard setback requirement is 16 feet, and the applicant is proposing 11 feet 3 inches;
4. The rear yard setback requirement is 35 feet, and the applicant is proposing 31.9 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. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, 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. **MJG-MAR REALTY, LLC**, 42 Lakeview Avenue, Block 7.05, Lot 70 – B-C – Application for a use variance to permit use of the property previously occupied by the GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts at retail and wholesale. The property is located in a B-C zone in which the sale at wholesale is not permitted.

This matter was continued by the Board until the April 20, 2022, meeting at the request of the attorney for the applicant.

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 Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas,

and Chrmn Mark Zecchino, the Resolution GRANTING the application of MESIVTA OF CLIFTON, INC. for a rear yard setback variance for an addition to a one-family dwelling at 369 Delawanna Avenue, Block 72.01, Lot 8, was adopted. RB2

2. Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KEVIN & KAREN URENA for a front yard setback variance for an inground pool at 30 MacArthur Drive, Block 63.01, Lot 1, was adopted. RA1

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, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVE TSIMPEDES & MICHAEL HALKIAS for variance for a three-story structure where two stories are permitted and approval to maintain the dormer as constructed at 7 Valley Road, Block 14.03, Lot 13, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JONATHAN RUIZ for 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 at 109 Crooks Avenue, Block 1.03, Lot 3, was adopted. RB1

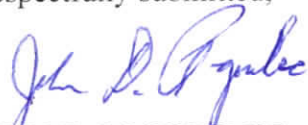
5. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of STORAGE BLUE CLIFTON LLC to renovate existing warehouse and change use to a self-storage warehouse at 550 Lexington Avenue, Block 7.07, Lot 1, due to defective notice, was adopted. B-C

Chrmn Zecchino called the Board's attention to an e-mail that was sent to Counsel Pogorelec concerning a request on the part of Welltower, owner of the Assisted Living facility located next to the premises located at 782, 784 Valley Road, Clifton IL, LLC, requesting that the Resolution adopted by the Board include an easement agreement between the applicant and the interested party. There was discussion concerning the request, and thereupon, Comr Louis DeStefano moved not to change the Resolution as requested. The motion was seconded by Comr Michael Molner and affirmed by Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Milner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. The request to have the Resolution amended was denied.

Chrmn Zecchino further called the Board's attention to a request by Sills, Cummis & Gross, PC., Meryl Gonchar, Esq., for a special meeting. There was consideration, and the date of May 11th was tentatively set for the special meeting.

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 APRIL 6, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RYAN LAULETTE for premises known as: 12 Gould Terrace, Block 51.06, Lot 33 be and the same is hereby: GRANTED a variance for a driveway in front of the house no longer completely serving a garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 6, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to convert approximately 90 square feet of garage space into living space to be used as a proposed mud room at premises located at 12 Gould Terrace, Block 51.06, Lot 33, 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 convert 90 square feet of garage space into living space to be used as a proposed mud room at the subject premises;
- b. A variance is required for a driveway in front of the house no longer completely serving a garage;
- 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 to convert approximately 90 square feet of garage space into living space at premises located at 12 Gould Terrace, Block 51.06, Lot 33, be and the same is hereby approved and the variance for driveway in front of the house no longer serving a garage be and the same is hereby granted SUBJECT TO THE APPLICANT INSTALLING TWO BOLLARDS 6 FEET APART IN FRONT OF THE GARAGE DOOR; and further subject to such further governmental approvals as may be required by law subject to the following:

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

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

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr ZALMAN GURKOV.

Seconded by: Comr URI JASKIEL.

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

MEETING OF APRIL 6, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JONAH HOLLAND**
for premises known as: **357 South Parkway, Block 58.07, Lot 8**
be and the same is hereby: **GRANTED** side yard setback and front yard setback variances for a new two-story rear addition and change to the front stoop.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 6, 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 for a new two-story rear addition and changes to the front stoop at premises located at 357 South Parkway, Block 58.07, Lot 8, 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 new two-story rear addition to the subject premises;
- b. The applicant also proposes changes to the front stoop;
- c. With regard to the rear addition, the side yard setback requirement is 6 feet, and the applicant is proposing 5.7 feet;
- d. With regard to the front stoop, the setback requirement is 21 feet, and the applicant is proposing 15 feet 10 inches;
- 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 as aforesaid to construct a two-story rear addition and make changes to the front stoop at premises located at 357 South Parkway, Block 58.07, Lot 8, be and the same is hereby approved and the side yard setback variance and the front yard setback variance be and the same are hereby granted subject to such further governmental approvals as may be required by law 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 ZALMAN GURKOV.
Affirmed by: Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF APRIL 6, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WAEL EL-ZIND for premises known as: 636 Van Houten Avenue, Block 37.01, Lot 17 be and the same is hereby: GRANTED rear yard setback, side yard setback, and lot coverage variances and expansion of a pre-existing, non-conforming use to build a rear addition for storage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 6, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests approval to build a rear addition for storage of the gift shop at premises located at 636 Van Houten Avenue, Block 37.01, Lot 17, which premises are located in a PD-2 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 rear addition for storage for the gift shop;
- b. The proposal is an expansion of a pre-existing, non-conforming use which requires a use variance;
- c. The applicant is proposing a rear yard setback of 8.5 feet and side yard setbacks of 2 feet on both left and right sides;
- d. The applicant is proposing a lot coverage of 78 percent;
- e. The applicant has satisfied the positive and negative criteria for the grant of an expansion of a non-conforming use;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a rear addition for storage at premises located at 636 Van Houten Avenue, Block 37.01, Lot 17, be and the same is hereby approved and the use variance for an expansion of a non-conforming use and bulk variances for rear yard setback, side yard setback, and lot coverage be and the same are hereby granted SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL and subject to such further governmental approvals as may be required by law subject to the following:

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

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

Resolution moved by: Comr ZALMAN GURKOV.
Seconded by: Comr LOUIS DE STEFANO.
Affirmed by: Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF APRIL 6, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JIM BEIRNE for premises known as: 35 Englewood Road, Block 68.11, Lot 18 be and the same is hereby: GRANTED changes to a previously approved application which includes a reduction in the square footage of the raised deck; the first floor rear addition is reduced by approximately 10 square feet, and the second floor bedroom addition will be increased by 100 square feet.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 6, 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 changes to a previously approved application by the Board on September 1, 2021 at premises located at 35 Englewood Road, Block 68.11, Lot 18, which premises are located in an RA3 zone; and

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

- a. The applicant did receive approval on September 1, 2021 which included variances for right and left side yard setback, combined side yard setback, rear yard setback for the purpose of constructing a second floor addition over the existing attached garage and a rear addition and deck;
- b. The findings set forth in said Resolution are incorporated herein and made a part hereof;
- c. The applicant now requests a reduction of the square footage of the new raised deck; the first floor rear addition is slightly reduced by 10 square feet; the second floor bedroom addition is increased by 100 square feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to change a previously approved application at premises located at 35 Englewood Road, Block 68.11, Lot 18, be and the same is hereby approved and the variances previously granted and the changes requested be and the same are hereby granted subject to such further governmental approvals as may be required by law 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.
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17. All utilities to be constructed underground.
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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.
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Resolution moved by: **Comr MICHAEL MOLNER.**
 Seconded by: **Comr SCOTT SOCHON.**
 Affirmed by: **Comrs Uri Jaskiel, Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.**