

Minutes of a virtual meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, May 20, 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, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS ROY NOONBURG AND VICE-CHRMN GERARD SCORZIELLO.

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

Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, the Minutes of the March 4, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

NEW HEARINGS – VIRTUAL MEETING

1. LINDA SILUK, 93 Sherwood Street,
Variance Block 25.06, Lot 5 – RA3 – Applicant
 proposes to build a rear 2 story rear
 addition and a second floor add-a-level.
 The following variance is requested:
 1) Left side yard proposed at 4.8' where
 6' is required.

The applicant, residing at 93 Sherwood Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant proposes to build a rear two-story addition and a second floor add-a-level at the subject premises; that the left side yard setback requirement is 6 feet, and she is proposing 4.8 feet.

Also present and sworn was Chris Blake, an architect, of 24 New Bridge Road, Bergenfield, New Jersey, who gave testimony concerning the plans he prepared which were submitted to the Board for review.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, 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. **MARIA PLUMMER**, 18 Brantwood Place,
Variance Block 63.01, Lot 43 – RA1 – Applicant
proposes to build a rear yard addition.
A variance is requested for the rear yard
setback, proposed at 26.2' where a
minimum of 35' is required.

The applicant, residing at 84 Renner Avenue, Bloomfield, New Jersey, was present and sworn. Also present and sworn was Vincente Varela Jr., an architect, of 584 Main Avenue, Passaic, New Jersey. There were no objectors.

The applicant testified that she proposes to build a rear yard addition at premises located at 18 Brantwood Place; that the rear yard setback requirement is 35 feet, and she is proposing 26.2 feet; that the purpose of the addition is to expand a master bedroom.

Mr. Varela gave testimony concerning the plans he prepared which were submitted to the Board for review.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the rear yard setback variance. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, 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. JOHAN NUNEZ, 58 Hilltop Court,
Variances Block 48.02, Lot 4 – RA3 – Applicant
proposes to build a rear yard deck.
The following variances are requested:
1) Rear yard proposed at 29' where 33'
is required.
2) Lot coverage proposed at 28.5% where
27% is permitted.

The applicant, residing at 58 Hilltop Court, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to build a rear yard deck at the subject premises; that the variances requested are a rear yard setback where 33 feet is required, and he is proposing 29 feet; that the lot coverage permitted is 27 percent, and he is requesting 28.5 percent.

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 variances requested. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, 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. **48 BELMONT AVE LLC c/o HERSCHEL**
Variances **BLAUSTEIN, 48 Belmont Avenue,**
Block 70.02, Lot 59 – RA3 -- Applicant
proposes to build a second floor add-a-level
over the existing footprint. A new deck will
also be added to the rear. The following
variances are requested:

- 1) Left side yard proposed at 5.6' where 6'
is required.
- 2) Right side yard proposed at 5.8' where 6'
is required.
- 3) Combined side yards proposed at 11.4'
where 16' is required;
- 4) Lot coverage proposed at 30% (increased
by proposed deck only).

Herschel Blaustein, residing at 48 Belmont Avenue, Clifton, New Jersey, was present and affirmed to give testimony. There was one interested party, Julie Presingios of 45 Belmont Avenue, Clifton, New Jersey.

Mr. Blaustein testified that he proposes to build a second floor add-a-level over the existing footprint of the building; that a new deck will be added to the rear; that the following variances are requested: 1) left side yard setback required at 6 feet and proposed at 5.6 feet; 2) right side yard setback required at 6 feet and proposed at 5.8 feet; 3) the combined side yard setback requirement is 16 feet, and the applicant is proposing 11.4 feet; 4) the lot coverage is proposed at 30% which is increased by the proposed deck.

The interested party, Julie Presingios, questioned the side yard and side yard setback requirement and the new deck.

After a review of the testimony, Comr Daniel Trenk moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, 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. DOV & ORA BANACH, 26 Lenox Avenue,
Variances Block 70.01, Lot 50 – RA3 – Applicant
 proposes a rear two story addition. The
 following variances are requested:
 1) Right side yard proposed at 2.7’ where
 6’ is required.
 2) Combined side yards proposed at 11.1’
 where 16’ is required.
 3) Front yard proposed at 20’ to entry
 where 25’ is required and 16.8’ to roof
 over stoop where 21’ is required.

The applicants, residing at 26 Lenox Avenue, Clifton, New Jersey, were present and affirmed to give testimony. Also present and sworn was William Martin, an architect, of 25 Boulevard, Westwood, New Jersey, an architect.

Mr. Martin testified on behalf of the applicants that they propose a rear two-story addition; that the following variances are requested: 1) right side yard setback where 6 feet is required, and the applicant is proposing 2.7 feet; 2) the combined side yards setback requirement is 16 feet, and the applicant is proposing 11.1 feet; and 3) the front yard setback is 25 feet, and the applicant is proposing 20 feet to entry; and the roof stoop requirement is 25 feet, and the applicant is proposing 16.8 feet.

Both applicants affirmed that they agreed with the testimony given by the architect.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the applicant remove the bathroom in the basement. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, 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.

COMMUNICATIONS

1. Chrmn Zecchino stated that the Board would act upon the 2019 Annual Report prepared by Gregory Associates, LLC for review. Comr Louis DeStefano moved to adopt the report. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. Counsel Pogorelec was instructed to prepare the proper Resolution and forward said report to the Governing Body of the City of Clifton and the Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

CONTINUED HEARINGS (FROM 3/18/20 AGENDA

1. **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 continued without date.

NEW HEARINGS (FROM 3/18/20 AGENDA)

1. **MOHAMMAD KARITI AND ALHAG ESSA,**
Use **10 Van Orden Place, Block 17.01, Lot 22**
Variance **-- RA3 – Use variance is required to**
permit the expansion of the existing two-
family house (2,791 square feet to 4,549
square feet) together with site plan
approval. No additional bulk variances
are required. The existing rear yard
setback will not be expanded.

This matter was continued without date.

2. **DALCO & GHAGHOIL ENTERPRISES LLC,**
Use **247 Piaget Avenue & 1330 Main Avenue,**
Variances; **Blocks 11.01 and 10.16, Lots 15 and 18**
Variances **-- B-C – This is an application to expand the**
outdoor eating area by adding a 1260 square

foot al fresco dining terrace in the rear of the building to go along with the previously approved dining area in the former driveway servicing the building. To replace the lost parking which will occur if the variance is granted, the Applicant has entered into a lease agreement to provide off-site valet parking at the existing Welsh Farms diagonally across Main Avenue from the Applicant's restaurant for 27 valet stacked parking spaces. Three (3) conditional use variances are required. The first will be to expand the existing conditional restaurant use on the subject property which does not meet the conditions required for the conditional use. The second conditional use variance is required to permit stacked parking and a third conditional use variance is required to permit valet parking because, again, conditions for both uses are not met. A bulk variance is required because the parking spaces on Block 10.16, Lot 18 do not meet the required side, front and rear yard setback requirements.

This matter was continued without date.

3. **ROSARIO RIZZO**, 620 Broad Street,
Use Block 34.02, Lot 2 – M-2 – Applicant
Variance proposes to use the rear yard of the auto body shop as a towing yard. A portion of the building will also be used for a towing office area and indoor storage of vehicles. A use variance is requested as a towing yard is not a listed permitted use and for two uses on one lot. Any other relief as deemed necessary by the Board.

This matter was continued without date.

RESOLUTIONS

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

1. 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 MEADOWLANDS ATHLETIC CENTER 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 at 316 Colfax Avenue, Unit C. Block 28.02 and 29.04, Lot 20, was adopted. M-1

2. 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 DISMISSING WITHOUT PREJUDICE for lack of appearance the application of RALPH TRAVELLIN for use variance approval for two uses on one lot, service station and used car license, at 956 Van Houten Avenue, Block 35.10, Lot 1, was adopted. B-C

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, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JUAHA E. GONZALEZ for a front yard setback variance for a roof over the front stoop at 215 East 9th Street, Block 6.09, Lot 1, was adopted. RB1

4. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RACHEL & DAVID SNYDER for a rear yard setback variance for a two-story addition on the right side of the house at 11 Belmont Avenue, Block 70.03, Lot 30, was adopted. RA3

5. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of AHMAD DUQMAQ for right side yard setback variance to install a driveway 0 feet from right side yard at 12 Chestnut Street, Block 15.12, Lot 10, was adopted. RB1

6. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of CUENCA CORONEL REALTY, LLC for approvals to extend its

permitted hours of operation to 5 A.M. to 7 P.M. at 87-109 Wabash Avenue, Block 5.07, Lot 9 and 11, was adopted. M-2

7. 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 GRANTING the application of HECTOR LEDEZMA for 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 at 319 Lexington Avenue, Block 8.21, Lot 15, was adopted. RB3

There being no further business before the Board, Comr Louis DeStefano 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 MAY 20, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LINDA SILUK for premises known as: 93 Sherwood Street, Block 25.06, Lot 5 be and the same is hereby: GRANTED left side yard setback variance for a rear two-story addition and a second floor add-a-level.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on May 20, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests a left side yard setback variance to build a rear two-story addition and a second floor add-a-level at premises located at 93 Sherwood Street, Block 25.06, Lot 5, 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 proposes to build a rear two-story addition and a second floor add-a-level at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 4.8 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variances 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 as aforesaid at premises located at 93 Sherwood Street, Block 25.06, Lot 5, be and the same is hereby approved and the left side yard setback variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr SCOTT SOCHON.

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

MEETING OF MAY 20, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARIA PLUMMER for premises known as: 18 Brantwood Place, Block 63.01, Lot 43 be and the same is hereby: GRANTED rear yard setback variance for a rear addition.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on May 20, 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 a rear yard setback variance to build an addition to premises located at 18 Brantwood Place, Block 63.01, Lot 43, which premises are located in an RA1 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 proposes to build a rear yard addition to expand the master bedroom;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 26.2 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 to build a rear yard addition at premises located at 18 Brantwood Place, Block 63.01, Lot 43, 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 LOUIS DE STEFANO.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF MAY 20, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOHAN NUNEZ for premises known as: 58 Hilltop Court, Block 48.02, Lot 4 be and the same is hereby: GRANTED rear yard setback and lot coverage variances for a rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on May 20, 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 variance approval as aforesaid to build a rear addition at premises located at 58 Hilltop Court, Block 48.02, Lot 4, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a rear yard deck at the subject premises;
- b. The rear yard setback requirement is 33 feet, and the applicant is proposing 29 feet;
- c. The lot coverage permitted is 27 percent, and the applicant is proposing 28.5 percent;
- 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 build a rear yard deck at premises located at 58 Hilltop Court, Block 48.02, Lot 4, be and the same is hereby approved and the rear yard setback and lot coverage variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr MICHAEL MOLNER.
Seconded by: Comr DANIEL TRENK.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF MAY 20, 2020.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 48 BELMONT AVE LLC
C/O HERSCHEL BLAUSTEIN
for premises known as: 48 Belmont Avenue, Block 70.02, Lot 59
be and the same is hereby: GRANTED variances for left side yard, right side yard, combined side yards, and lot coverage for a second floor add-a-level over the existing footprint and a new rear deck.**

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on May 20, 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 Daniel Trenk moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to build a second floor add-a-level over the existing footprint at the subject premises as well as adding a new deck to the rear at premises located at 48 Belmont Avenue, Block 70.02, Lot 59, which premises are located in an RA3 zone; and

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

- a. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.6 feet;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 5.8 feet;
- c. The combined side yards requirement is 16 feet, and the applicant is proposing 11.4 feet;
- d. The lot coverage proposed is 30 percent which is increased by the proposed deck;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a second floor add-a-level over the existing footprint and a new deck to the rear at premises located at 48 Belmont Avenue, Block 70.02, Lot 59, be and the same is hereby approved and the left side yard, right side yard, combined side yards, and lot coverage variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

Resolution moved by: Comr DANIEL TRENK.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF MAY 20, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DOV & ORA BANACH for premises known as: 26 Lenox Avenue, Block 70.01, Lot 50 be and the same is hereby: GRANTED right side yard, combined side yards, and front yard setback variances for a rear two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on May 20, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for rear two-story addition at premises located at 26 Lenox Avenue, Block 70.01, Lot 50, which premises are located in an RA3 zone; and

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

- a. The applicants propose a two-story rear addition;
- b. The right side yard setback requirement is 6 feet, and the application is proposing 2.7 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 11.1 feet;
- d. The front yard setback requirement is 25 feet, and the applicant is proposing 20 feet with a roof stoop of 16.8 feet where 25 feet is required;
- 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 for a two-story rear addition at premises located at 26 Lenox Avenue, Block 70.01, Lot 50, be and the same is hereby approved and the variances for right side yard setback, combined side yard setbacks, and front yard setbacks and roof over stoop be and the same are hereby granted subject to such further governmental approvals as may be required by law and **SUBJECT TO THE FOLLOWING STIPULATION:**

A. THAT THE APPLICANT MUST REMOVE THE BATHROOM IN THE BASEMENT; AND FURTHER subject to the following:

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

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

Resolution moved by: Comr LOUIS DE STEFANO.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

RESOLUTION
OF
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON

WHEREAS, the Board of Adjustment of the City of Clifton is required by law to conduct an Annual Report which reviews its decisions on applications heard during the past year; and

WHEREAS, the Board of Adjustment did authorize Gregory Associates, LLC, Kathryn M. Gregory, AICP, PP, NJ Professional Planner, to prepare such report; and

WHEREAS, Kathryn M. Gregory, AICP, PP, did make her recommendations on Page Nos. 4 and 5 of the report (not dated) for the calendar year 2019, which is attached hereto and made a part hereof; and

WHEREAS, the Board of Adjustment of the City of Clifton did review the 2019 Annual Report, and said Board of Adjustment concurs with the recommendations of Kathryn M. Gregory, AICP, PP, NJ Professional Planner, for zoning, ordinances, amendments or revisions; and

NOW THEREFORE, BE IT RESOLVED that the Annual Report prepared by Kathryn M. Gregory, AICP, PP, NJ Professional Planner, be and the same is hereby adopted and that same shall be forwarded to the Governing Body of the City of Clifton and Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

MEETING OF MAY 20, 2020.

MOVED BY: COMR LOUIS DE STEFANO.

SECONDED BY: COMR MICHAEL MOLNER.

AFFIRMED BY: COMRS ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, AND CHRMN MARK ZECCHINO.