

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 20, 2023. 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 applications 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. DAVID BRAID, ALESSIA ERAMO, MAUREEN O’CONNOR, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: NONE.

Chrmn Zecchino advised all applications 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.

REMANDED HEARING

1. **JOHN RADER**, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – The Use Variance; Variance; Site Plan Application was previously heard and denied by the Board in 2020. Following an appeal to the New Jersey Superior Court, Law Division, Docket No, PAS-L-309-21, the Superior Court reversed the December 2, 2020 decision of the Board and remanded the matter back to the Board for additional proceedings. The Applicant has modified the previously submitted plans. Site plan approval required to remove the existing MOONEY AUTO REPAIR GARAGE, to enlarge the building housing the existing DUNKIN DONUTS building, to create an additional store, two vestibule entrances to the two stores and a drive-in facility. A bulk variance is required to permit the use of lighting other than the ordinance required high-pressure sodium lighting, because it is no longer manufactured. A use variance is required to permit the drive-in window. All other nonconformities are pre-existing and do not require variances. DENIED DECEMBER 2, 2021 – COURT-ORDERED REMAND.

At the request of the Board, this matter was scheduled for further proceedings by the Board beginning on the October 4, 2023 meeting of the Board with no further notice required and all other requirements tolled.

CONTINUED HEARINGS

1. **MAIN FOOT** 1610 Main St. & 80 W. 2nd St., Block 9.07, Lots 25 and
Variances; Use **AND ANKLE** 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is
Variance; Site **LLC** proposing a consolidated subdivision of 1610 Main
Plan Glenn Peterson, Avenue and 80 West 2nd Street. The applicant further
Esq. proposes a 3-story mixed use building for medical
(CONTINUED offices and a retail pharmacy. A D1 use variance is
TO 09/20/2023) requested in addition to any and all other variances as
may be required.

Glenn Peterson, Esq., of Peterson & Peterson, 1037 Rt. 46 E, Suite 105, Clifton, New Jersey appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Thomas Donohue, Donohue Engineering, 210 Summit Avenue, Montvale, New Jersey an engineer; William J. Martin, WJM Architect, 25 Boulevard, Westwood, New Jersey, a planner.

The following objectors and interested parties were present and sworn: Jayla Lassiter, 70 West Second Street; Kirk Lassiter 70 West Second Street; and Coral Silfa, 79 West Second Street.

This matter arises from an application which was originally scheduled to be heard by the Board during its February 1, 2023 regular meeting. At the request of the applicant, the matter was continued and hearing commenced on July 19, 2023. Revised plans were provided to the Board subsequent to the original submission of the application.

The Board is in receipt of: Engineering Review No. 3 from its Engineer, Neglia Engineering Associates, dated January 20, 2023 and revised September 15, 2023; Planning Review No. 3 from its Planner, Graviano & Gillis Architects & Planners LLC dated June 25, 2023 and revised September 17, 2023; and Memo from the City of Clifton Department of Fire, Fire Prevention Bureau dated September 15, 2023.

Mr. Peterson stated that the applicant listened to feedback from the first date of hearing. As a result, the applicant has revised his plans. This includes a smaller building, movement of the dumpster, reduction in height of the building, change in traffic, and other changes to be testified by the professionals.

Thomas Donohue appeared as the applicant’s engineer. Mr. Donohue stated that the plans were revised on August 30, 2023. The applicant will renovate the existing first floor, construct a second floor, and construct an addition on the second floor. Under the second floor addition, there will be a one way, right turn only exit on to Main Avenue. The parking lot will have 31 parking spaces, with two way movement within the parking lot. Patrons will enter through either entrance and exit on to Main Avenue. There will be 2 ADA parking spaces and a ramp along the adjacent building. There will be 4 EV spaces. There are 35 parking spaces required and 31 spaces are proposed.

Mr. Donohue testified that the applicant responded to the neighbors concern regarding traffic flow and moving the dumpster. The dumpster is now 30 feet from the property line. The second floor will have the same setback of the first floor, which will still require a variance. The parking setback will also require a variance. The applicant is proposing 112 sq ft of landscaping which is below the requirement.

Mr. Donohue stated that the building size is being reduced by 856 sq ft. The building feet is reduced by 1 foot, which eliminates the need for a height variance.

Mr. Donohue explained that an underground infiltration basin will collect all runoff prior to distributing it to the street. The lighting plan will have 4 poles and 2 individual units to light the parking lot. There will be lighting also along the parking lot. There will be 23 trees planted. Mr. Donohue testified that the traffic pattern will permit the access by a garbage truck and exit along Main Avenue.

Comr. Gurkov asked about the reduction in square footage. Mr. Donohue explained that there is no longer a first floor addition being proposed. The total reduction is 856 sq ft.

Comr. Molner asked about the square footage of the second floor addition and whether if this is eliminated, if the applicant will comply with the parking requirements. Mr. Donohue stated that he did not have that square footage, but the architect could provide.

Comr. Sochon asked how many parking spaces is required by 800 sqft. Mr. Donohue stated that 800 sq ft requires an additional 4 spots. Chrmn Zecchino stated that the key for the Board is meeting parking, as there is congestion everywhere in the area.

Nicholas Graviano, of Graviano & Gillis, the Board's planner, stated that the second floor addition is approximately 1,100 sq ft and eliminating that portion would result in the application providing surplus parking. Mr. Peterson noted that there is a 4 car deficit in parking. Chrmn Zecchino stated that not knowing the tenant on the second floor could impact the number of spaces using. Mr. Graviano stated that the specific tenant does not impact the parking requirement.

Comr. Molner asked to clarify the number of doctors to be on site. Mr. Peterson stated that there will be 2 tenants on the second floor and 1 tenant on the first floor.

Mr. Peterson stated that applicant will submit revised plans to eliminate the second floor addition.

Mr. Graviano stated that this would eliminate the need for the parking variance, and the Board should evaluate then if the access out to Main Avenue is preferred. Anthony Kurus, of Neglia Engineering, the Board's engineer, agreed.

Interested Party Coral Silfa asked about EV spaces and ADA spaces.

Interested Party Jada Lassiter asked about the tenant doctors. She expressed concern over the type of doctors that would be renting the space. She also asked to view the plans to see the blueprints.

Comr. Foukas asked about the type of tenant and parking spaces.

William Martin appeared as the applicant's planner. Mr. Martin provided testimony regarding the zoning and planning analysis. Mr. Martin reviewed the engineering submission, architectural drawings, and the Clifton Zoning Ordinance and Master Plan. He also visited the site, reviewed planning memos from Graviano & Gillis. The property exists in the northern section of Main Avenue. It connects

Mr. Martin offered the following exhibits:

Exhibit A-1 – Aerial and Angular Google Map Site Views

Exhibit A-2 – Partial Zoning Map

Mr. Martin provided a summary of the size of the site and its topography. The property contains two buildings: (1) a residential structure which will be removed; and (2) a former bank with a drivethru that is partially vacant. The property exists in two zones – B-C general business zone and M-2 general industrial zone. The B-C portion of the property is also within the Main Avenue overlay zone.

Mr. Martin stated that the applicant is proposing to remove the residential structure to create a larger parking area. The existing bank will have the drive thru removed, and install a driveway exist to Main avenue. The building will house the applicant's practice, and a maximum of two other tenants on the second floor. The reduction in square footage may reduce the number of tenants on the second floor.

Mr. Martin stated that the front of the building addresses Main Avenue consistent with the Main Avenue overlay requirements. This will promote the soundness of business and neighborhood integrity, which is the stated purpose from the Zoning Ordinance.

Mr. Martin provided testimony regarding the requested variances. The B-C use permits the business use which is requested here. Within the M-2 zone, a professional office is not on the list of permitted businesses but it is also not within the list of specifically prohibited businesses. The parking area is split by the zone line. Mr. Martin stated that a non-conforming use currently exists on that property.

Mr. Martin stated that the applicant is requesting a d(1) use variance to permit 2 uses on a lot. Mr. Graviano stated that the revised planning report no longer references this variance as the pharmacy use has been removed. The only d variance noted is the parking in the M-2 zone.

Mr. Martin stated that the variance for the number of parking spaces is no longer required based on the applicant's reduction in square footage.

Mr. Martin reviewed the Clifton Zone Master Plan. The applicant meets Goal 1 which is to diversify use to enhance the availability of business and uses to meet the needs of Clifton residents. The applicant also meets Goal 7 which is to enhance areas of development and revitalization. This property is repurposing and previously partially vacant space. The applicant also meets Goal 13 by rehabilitating older and constructing new buildings.

Mr. Martin states that the special reasons exist to support the granting of this application, as required for a d variance. There is a need for medical and professional services in the neighborhood, and this use meets the need of the community. The site is also particularly suited, because the associated parking is usual for the type of use proposed. The building is not being expanded, but the parking is being expanded. This is not a strange arrangement to have a parking area adjacent to a commercial building.

Mr. Martin addressed the negative criteria. The site is being visually improved and the visual improvements are compliant with the requirements of the zone plan. The improvements will not create any negative effects. Site lighting is designed not to spill over on neighboring properties. Storm water management will mitigate any substantial negative effects. The removal of the house will remove a nonconforming condition from the zone. The requirements of two zones create a hardship on the applicant, and the use will not create any substantial detriment to the public good.

Comr. Eramo asked about the tree removal table. Mr. Martin stated this is a question for the engineer, who will be recalled.

Interested party Coral Silfa asked how it will benefit families of Clifton. Mr. Martin stated that doctors and medical services will benefit the community. Ms. Silfa asked if medication will be dispensed on the property such as methadone. Mr. Martin stated he had no knowledge of such. Mr. Peterson stated that the applicant would prefer a different kind of provider. Ms. Silfa asked about biohazard disposal. Mr. Peterson stated that the applicant will stipulate to compliance with all laws.

Interested party Jada Lassiter asked about how this will enhance the appearance of the neighborhood. Mr. Martin stated that there will be design of the building and the site will be cohesive to add to a positive visual environment which is an improvement from what is there now.

Mr. Peterson recalled Mr. Donohue to provide an answer regarding Comr. Eramo's tree removal table question. Comr. Eramo asked about what is being planted. Mr. Donohue stated that there are 23 trees being planted including evergreen trees and shade trees, as well as shrubs and other plantings. Comr. Eramo stated that she did not believe that this complied with the tree removal ordinance. Mr. Donohue stated he believed that the replacement trees were major trees. She requested if major trees could be preserved. Mr. Kurus stated that the consideration is whether arborvitaes count as trees. Mr. Donohue stated that the applicant would review the plans and consider substituting some of the surrounding areas. Mr. Graviano also suggested a deciduous tree in the middle of the lot to break up the area.

Comr. Foukas asked if the applicant would be willing to consider providing his contact information to the neighbors.

At the request of the Board, this matter was scheduled for further proceedings by the Board beginning on the October 4, 2023 meeting of the Board with no further notice required and all other requirements tolled.

2. Variances, Use Variance, Site Plan	CLIFTON CHEDER INC Jason Tuvel, Esq.	213-224 Barkley Ave., Block 19.10, Lot 1 and Block 19.08 Lot 13 – RB1 and B-D Zone – The Applicant seeks approval to convert the existing house of worship with accessory day care center at the Building Lot into a house of worship with private school, along with related site improvements, including but not limited to landscaping and lighting (the "Proposed Development"). The Applicant also seeks approval to utilize the Parking Lot for vehicular parking ancillary to the Proposed Development. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for proposing off-site parking associated with the Proposed Development, if deemed necessary. The Applicant seeks conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) for the Proposed Development for failure to meet the following conditions; (1) minimum lot area (1 acre required; 0.67 acre existing/proposed); (2) number of stories (2 stories permitted; 2.5 stories existing/proposed); (3) maximum impervious coverage (20% permitted; 74.7% existing; 75% proposed); (4) minimum front yard setback (25 ft. required; 9.8 ft. existing/proposed); and (5) minimum side yard setback (25 ft. required; 7.4 ft. existing/proposed). To the extent necessary, and in the alternative, the Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for the Proposed Development, if deemed necessary. The Applicant also seeks bulk variance and design waiver/exception relief, including: (1) parking less than required (44 spaces required; 0 spaces existing/proposed on the Building Lot); (2) fence height in front yard and street side yard greater than permitted (4 ft. permitted; 6 ft. proposed); and (3) fence height in side yard greater than permitted (5 ft. permitted; 6 ft. 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 approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be
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determined to be necessary during the review and processing of the Application.

Jason Tuvel, Esq., of Prime & Tuvel LLC, with offices at 1 University Plaza Drive, Suite 500, Hackensack, New Jersey 07601, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Rabbi Isaac Kagan, 557 Passaic Avenue, Clifton, head of school; Joseph Staigar, of Dynamic Engineering, 245 Main Street, Suite 110, Chester, NJ, an engineer; and Benjamin Horten, of Ben Horten Architecture & Design, 312 SR 10, Randolph NJ, an architect; and Donna Holmqvist, of Preferred Planning Group, LLC, 110 Chestnut Ridge Rd Ste. 192, Montvale, NJ 07645, a planner.

No interested parties or objectors were sworn, offered testimony or question.

A hearing regarding this Application was previously commenced before the Board during its September 6, 2023 meeting and continued until September 20, 2023.

The Board is in receipt of: Engineering Review No. 1 from its Engineer, Neglia Engineering Associates, dated August 21, 2023; Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated September 2, 2023; and Memo from the Clifton Fire Bureau dated September 15, 2023.

Mr. Tuvel provided a brief summary of the prior testimony from the last meeting.

Benjamin Horten, of Ben Horten Architecture & Design, offered architectural testimony. Mr. Horten stated that the primary focus of the project is interior improvements. The only exterior improvements is the removal of an existing handicap accessible ramp and replacement with an improved ramp.

Mr. Horten testified that the building is comprised of two parts. One portion of the building is a house of worship and the other portion is classrooms. The building is two levels. The bottom level has a taller ceiling. The school portion has classrooms and a small gymnasium on the ground floor. On the plans, there is a green area which is the area of improvement. The areas of improvement will be a library and lab area.

Mr. Horten stated that the primary area of improvement will be on the first floor, which is the main entrance level. The bathroom areas will be renovated and expanded to provide handicap accessible stalls. There will be also be improvements made to the second level including classrooms, bathrooms, and support spaces.

Mr. Tuvel acknowledged receipt of the Fire Marshall's report and agreed to compliance with the comments therein.

Donna Holmqvist of Preferred Planning Group, offered planning testimony. Ms. Holmqvist stated she reviewed the plans and visited the site.

Ms. Holmqvist offered the following exhibits:

Exhibit A-2 – Land Use Map

Exhibit A-3 – Zoning Base Map

Ms. Holmqvist stated that Exhibit A-2 contained multi colors demonstrating the different uses in the area. The property is in two zones, the B-D and R-B1 zone. The RA3 zone is to the south.

Ms. Holmqvist stated that the uses proposed are permitted as conditional use. There is a minimum of 1 acre for the school. Ms. Holmqvist stated if you add the parking area and the existing Jewish Center, there is a small shortage of about 600 sq ft. Ms. Holmqvist testified that, albeit not meeting the condition, the site has sufficient space to meet the needs of the use. All other conditions are minor and either de minimus impact or existing nonconformities.

Ms. Holmqvist stated that the parking area remains 100% impervious coverage, which is not changing and is a preexisting nonconformity. Ms. Holmqvist addressed incorporating landscaping and an easement as acknowledged in the prior meeting. Ms. Holmqvist acknowledged the prior testimony regarding traffic and that there is no substantial impact on traffic.

Ms. Holmqvist explained that the applicant is requesting relief for accessory structures and fencing. She explained these structures have to exist there and are related to the physical features of the site.

Ms. Holmqvist provided testimony as to how the application meets the Clifton Zone Plan. She explained that there is a need in the community because of a fire at another site, and the need to supplement the community with this type of use. There will be no substantial detriment due to traffic from pick up and drop off.

Ms. Holmqvist offered testimony regarding the d variance needed due to 2 different uses. She explained that the school use is an inherently beneficial use. As a result, the proofs are somewhat different. Therefore, the Board must evaluate the public interest and adverse conditions created. Ms. Holmqvist stated that there would be no adverse conditions created, and that there will be no substantial detriment to the public good by allowing two uses. Ms. Holmqvist stated that the applicant will comply with the comments of the reports of the Board's planner. Ms. Holmqvist explained that this is a religious school and it will accommodate the growth of need for orthodox education.

Chrmn Zecchino asked Mr. Graviano about the transition period of the house of worship, and how the resolution should be drafted. Mr. Graviano stated it should be memorialized in the resolution and as a condition, and that the house of worship use will cease after that period. Mr. Tuvel stated he has no issue with including it as a condition, and that if the five year period needs to be extended, the applicant will need to come back before the Board. Mr. Graviano stated that the term should be four years from the date of publication of the Board's adoption of the Resolution.

Mr. Tuvel offered a brief closing statement summarizing the standards and how the application meets the standards.

As a condition of approving the property, the Board instituted the following stipulations:

1. The applicant will comply with the conditions of the reports of the Board's professionals and the Fire Marshal report; and
2. The house of worship shall cease operation on the Property no later than four years after publication of the adopted Resolution; and
3. The parking lot area shall not be used for recreational space; and
4. An easement will be created to associate the parking to the property; and
5. The applicant will comply with the landscaping design comments from the Board's professionals.

After a review of the testimony, Comr. Michael Molner moved to approve the application with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Zalman Gurkov. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, and Chrnm Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

NEW HEARINGS

1. **HASAN FERDOUS**, 4 Gillies St., Block 14.23, Lot 8 – RB2 – The Variance applicant is proposing to relocate front door and steps to add a driveway to the right side of the home which requires the following variance; side yard setback proposed at 0' where 5' is required, driveway proposed in front of the home where not permitted, and proposed length of driveway is approximately 12' where 19' is required.

The applicant, residing at 4 Gillies St., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that he lives in the only house on the block without a driveway. He bought the house in 2013 and at that time, there was street parking he utilized. Subsequently, the street is always packed, and there is no longer readily available parking. He stated that he has a child with special needs and the driveway will assist with improving their use of the property. He is requesting variances for a side yard setback, driveway in front of the home, and proposed length of the driveway.

Chrnm Zecchino stated that the driveway is very tight to the house. The applicant stated that this is the result of the location of the steps. He stated he wants to move the steps, which will increase the space. Chrnm Zecchino states that he does not know if there is sufficient room.

Chrmn Zecchino suggested that the applicant contact City Council to place handicap parking in front of the house instead of the driveway. He also stated that a car will likely hang over the driveway.

Comr. Foukas expressed sympathy for the applicant and expressed concern over snow removal and placement.

Comr. Molner asked about the large tree in the front of the property and whether it will be removed.

The applicant requested the opportunity to provide additional information.

At the request of the applicant, this matter was carried and scheduled for further proceedings by the Board until the October 4, 2023 meeting of the Board with no further notice required and all other requirements tolled.

2. **MEMET TOY**, 489 Clifton Ave., Block 12.08, Lot 7 – B-C – The applicant is requesting a use variance to convert current commercial property into a mixed use building utilizing part of the second floor for one residential unit. Applicant is also requesting a parking variance for proposing one new parking space where two would be required for the residential unit.

The applicant, residing at 489 Clifton Ave., Clifton, New Jersey was present and sworn.

The Board is in receipt of: and Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated September 17, 2023

The applicant testified that he would like to change the use of the second floor to allow for residential use. The interior space will be improved. The residential use will only be a portion of the second floor. He stated that he cannot get anyone to rent the second floor. He stated that there is a staircase that offers an entrance to the second and third floor, and there would be no need to change the layout of the floor.

The applicant also stated that there are 2 spaces recommended and he is proposing to add one. Mr. Graviano stated that he does not recommend the space being added in that location as it impacts the drive aisle. The applicant's changes would reduce the parking impact.

Comr. Eramo asked about the number of required parking spaces on the site. Mr. Graviano stated that the proposal would require 9 spaces where 5 are existing and proposed. If this space remained office, the number of spaces required would be 11 spaces.

Chrmn Zecchino asked about mixed use within different floors. Mr. Graviano stated that it is unique, and that professional plans from an architect will be necessary for fire separation use.

Vice Chrmn Scorziello asked about the applicant's hardship.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to deny the application, on the ground of the lack of hardship, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Maureen O'Connor. Voting in favor of the Motion to deny the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was denied in the form as more fully appears at the end of these Minutes.

3. **MANUEL ACOSTA**, 177 Christie Ave., Block 6.15, Lot 23 – RB1 –
Variance The applicant is requesting to construct a 4'x8' platform with steps to a new house entrance which requires the following variances; side yard setback proposed at 4.2' where 12' required and lot coverage proposed at 35.3% where 25% required.

The applicant, residing at 177 Christie Ave., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that he bought the home in 2020. He stated that it is a two family home and that he has difficult accessing the rear yard through a shared entrance. He stated he already converted the window to a sliding door and constructed a rear deck to access the rear of the property.

Chrmn Zecchino asked about what is located on the right hand side of the side yard. The applicant stated that he built a bar area for the barbeque. Ms. Bolcato stated that the applicant is here for the rear deck, and the side yard bar is permitted.

Comr. Molner asked if the deck was already there when he bought the property. The applicant said no and that he built it.

The applicant offered the Board electronic photos of the rear deck. He will email them to Ms. Bolcato.

The applicant stated that the rear deck is more convenient.

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 Scott Sochon. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

4. **YAZAN ALBAJES**, 99 Arlington Ave., Block 14.23, Lot 8 – RB1 – The applicant is proposing to construct a detached garage in place of old sheds which require the following variances; garage proposed at 75' from the main dwelling where a maximum of 20' is required and proposing to extend existing driveway at 0' where 5' is required from side property line.

The applicant, residing at 99 Arlington Ave., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant stated that he wants to construct a detached garage and was told the garage needs to be located a certain distance from his home. He stated that his neighbors all have a garage located beyond this distance.

The applicant offered the following exhibits:

Exhibit A-1 – Proposed Garage Schematic Design dated September 20, 2023.

The applicant testified that the garage will be a 2 car garage and it will be 700 sq ft. The garage will house his classic car. The garage is one story.

After a review of the testimony, Comr. Zalman Gurkov moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, on the ground that the shape of the lot creates a hardship, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

5. **DAVID & MIRIAM SHERIL**, 386 Rutherford Blvd., Block 58.07, Lot 38 – RA3 – The applicant is requesting a front porch addition to an existing single family home which requires the following variances; front yard setback proposed at 13.25' where 25' is required, combined yard setback proposed at 15.8' where 16' is required, lot coverage proposed at 38.45% where 27% required.

The applicant, residing at 386 Rutherford Blvd., Clifton, New Jersey was present and sworn. Present on behalf of the applicant and sworn to give testimony were the following: William J. Martin, WJM Architect, 25 Boulevard, Westwood, New Jersey, an architect and planner.

There were no objectors.

Mr. Martin provided testimony regarding the application. The applicant seeks to improve the property by adding a covered porch next to the existing front stairs. The porch will fit into the notch of the house. The variances are required due to the lot coverage and location in the front yard, and side yard setbacks. There are existing nonconformities. The proposed deck is an aesthetic enhancement and only adds 2.45% increase in lot coverage. The benefit of the deviation substantially outweighs the detriment.

After a review of the testimony, Comr. Zalman Gurkov moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

6. **MARLON & ESTEFANIA MORA**, 119 Rutgers Pl., Block 27.10, Lot 58 – RA2 – Applicant proposes to convert the existing attached garage into living space. The garage door will remain and a variance is required for a driveway in front of the home not serving a garage.

The applicants, residing at 119 Rutgers Pl., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that they have a one car attached garage. They want to convert it into living space. The home was purchased in 2020. It was used as storage space and they want to convert it into living space, and keep the garage door. They are willing to install bollards.

Comr. Sochon asked if the whole garage will be used for living space. The applicant confirmed it would.

As a condition of approving the property, the Board instituted the following stipulations:

1. Bollards will be installed in front of the existing garage door.

After a review of the testimony, Comr. Zalman Gurkov moved to approve the application with the noted stipulation and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Scott Sochon. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

7. **MAHMOUD ALHAJ**, 21 Hillman St., Block 11.08, Lot 10 – RB2 – The applicant is proposing a second-floor addition which requires the following variances; front yard setback proposed at 19.3' where 25' is required, side yard setbacks proposed at 4.9' and 4.7' where 6' required, and combined yard setback proposed at 9.6' where 16' is required.

Dominic Iannarella, Esq., 139 Lakeview Avenue, Clifton, NJ appeared on behalf of the applicant. Also present and sworn were: Mahmoud Alhaj, residing at 21 Hillman St., Clifton, New Jersey.

Mr Iannarella stated that the applicant wants to build out the rest of the second floor over the existing first floor structure. There will be no change to the existing footprint. There are front yard setback, side yard setback, and combined yard setback variances. All variances are existing nonconformities.

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 Scott Sochon. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

8. **SHUMEL & FRAYDA GRUNBERGER**, 146 Rutherford Blvd., Block 60.09, Lot 28 – RA3 – The applicant is proposing an addition which include a second story and alterations to an existing single-family home which requires the following variances; front yard setback proposed at 17.2' where 25' is required, side yard setback proposed at 5.12' where 6' is required, combined side yard setback proposed at 10.36' where 16' is required, and lot coverage proposed at 35.3% where 27% is required. Applicant also proposes to convert the existing attached garage into living space. The garage door will remain and a variance is required for a driveway in front of the home not serving a garage, and elimination of one parking space where two is required.

Dominic Iannarella, Esq., 139 Lakeview Avenue, Clifton, NJ appeared on behalf of the applicant. Also present and sworn were: Shumel Grunberger, residing at 146 Rutherford Blvd., Clifton, New Jersey.

The following interested parties were present and sworn: William and Debbie Kent, 142 Rutherford Blvd.; Elzbieta Leja 151 Rutherford Blvd; Karen Ingram, 154 Rutherford Blvd.

Mr. Iannarella stated that there is an existing dwelling on the property. The applicant has 5 children and needs additional space. They are proposing additional space in the rear and front. The sideyard setbacks will continue as existing. The rear yard expansion will be compliant with the ordinance. The applicant seeks a front yard setback variance continuation, side yard and combined side yard setback which is a continuation, and lot coverage. There is also the need for a driveway not servicing a garage. The applicant is willing to install bollards. The garage is not being used. There is also sufficient street parking.

The applicant testified that the main reason for this application is to expand living space due to his growing family. He explained that moving is not feasible due to costs and logistics. As a result, the lack of space creates a hardship.

Comr. Sochon asked about attic space and whether it was going to be used as living space or finished. The applicant stated that he did not intend to use it. Mr. Iannarella stated the applicant would consider a

Interested Party asked about the front yard setback and expressed concern about the driveway and parking. She asked how this will work in the future when the kids drive. The applicant stated he has never used a garage and that the driveway has not been used. The street has enough parking. He explained that children will not have cars as they will go away to school. Mr. Iannarella stated that the applicant is willing to eliminate the front porch and use the space to expand the driveway area. Removing the porch would be compliant with the setback requirements.

Chrmn Zecchino asked about the garage. Mr. Iannarella stated that the first floor will be storage and second floor will be a bathroom.

Interested Party William Kent, 124 Rutherford Blvd, asked about fire prevention for the second floor of the garage. Mr. Iannarella explained that the first floor will not be car storage, but regular storage so the fire suppression is sufficient. Mr. Kent also asked about stormwater runoff. Mr. Kent expressed concern about privacy. Mr. Iannarella stated that the existing footprint will not be changed.

Interested Party Karen, Rutherford Blvd, stated her concern over dwarfing other homes in the neighborhood. She requested the elimination of the side entrance way. She also expressed concern how these changes may be used in the future. She expressed concern over the side entrance.

Chrmn Zecchino asked if the applicant would be willing to consider relocating the side entrance to somewhere else. He asked if the applicant has a side yard currently. The applicant stated no.

Vice Chrmn Scorziello stated that closing the garage creates a hardship to add the side door. This is an applicant created hardship. The applicant agreed to eliminate the side door. The interested parties agreed that the front porch could remain.

As a condition of approving the property, the Board instituted the following stipulations:

1. Bollards will be installed in front of the existing garage door.
2. The side door will be closed and removed.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to approve the application with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr Michael Molner. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

9. **PETER MASTRIANO**, 125 Madeline Ave., Block 16.16, Lot 7 – RB1
Use Variance;
Variance – The applicant is requesting a use variance for the conversion of an existing mixed use building to 4 residential apartments where as 2 residential units are permitted. A parking variance is also being requested for proposing 5 spaces and 8 are required. Any other variances, waivers, exceptions, or other relief that may be necessary are also being requested.

Dominic Iannarella, Esq., 139 Lakeview Avenue, Clifton, NJ appeared on behalf of the applicant. Also present and sworn were: Peter Mastriano, residing at 233 Madison Blvd. Basking Ridge, the applicant; Michael Capo, of Michael Capo Architect LLC, with offices at 1046 Rt 46 E., Clifton, New Jersey 07013, an architect.

The following interested parties were present and sworn: Sam Akin, 131 Madeline Ave, Clifton.

The Board is in receipt of: Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated September 17, 2023

Mr. Iannarella stated that the applicant seeks a use variance to convert the existing mixed used building to 4 residential apartments where 2 are permitted. The applicant also seeks a parking variance as 8 spaces are required and 5 are proposed. There are 2 businesses currently on the first floor and 2 residential units on the second floor. The 2 businesses on the first floor will be converted to residential. There currentl is no parking on the site. The exterior of the property will not be changed other than paving the back yard, and there will be interior improvements.

Chrmn Zecchino asked about impervious coverage. Mr. Iannarella stated that no engineering report was provided, but the lot would be paved toward the street to permit drainage. Mr. .Iannrella stated that a small drainage pit could be added.

Mr. Mastriano stated that there is no demand for stores in the area and the entire area is residential. He stated that there is no enough parking for stores. Apartments would be more appreciated by the community. There would be a handicap spot addedto the property. This would also remove four cars off the street.

Mr. Mastriano provided testimony regarding trash removal. He uses a private hauler and containers will be moved to the truck and wheeled to the truck. There is no dumpster. One wheeled trashcan would be provided per apartment and they can be moved by the tenants. They would be stored under the existing deck. The private hauler will not come before 7 am.

Mr. Mastriano stated there is a property manager who can handle any issues that arise. They will shovel snow and do maintenance.

Comr. Foukas asked what the applicant's intent was for the property when he purchased it. The applicant stated he wasn't sure at the time and COVID changed a lot of what his goals were with the stores.

Interested Party Sam Akin expressed concern about parking. He stated he has a 2 family house with 7 cars. Chrmn Zecchino explained having the two stores is a more intense use than two apartments. He stated that there are step ladders going into his property.

Comr. Gurkov stated that the current use does not require that the applicant provide any parking. He stated it is a less intense use.

Comr Foukas asked about the size of the parking lot in the rear and snow removal. Mr. Iannarella stated that the applicant is willing to modify this and provide 4 spots.

Mr. Graviano stated that the use variance could be bifurcated from the site plan, and have the Board approve the use variance and submit a site plan change that can bereviewed by Neglia.

Comr Braid suggested a fence between the properties. The applicant stated he would be amenable to such proposal.

Michael Capo offered architectural testimony. The basement level will have laundry facilities. There will be 2 apartments on the first floor and 2 apartments on the second floor. The first floor apartments will access the rear of the property. The second apartments are existing.

Mr. Graviano asked if more windows could be added on the first floor. The architect agreed.

Interested Party Sam Akin asked for no windows on his side. Mr. Capo stated that there is an existing window and they could remove it.

Mr. Iannarella offered a brief closing statement and summary. He explained that this proposal makes the lot better.

The Board bifurcated the application to approve the use variance. The applicant will submit a final site plan and will return for final site plan approval.

After a review of the testimony, Comr. Scott Sochon moved to approve the use variance with the condition that the applicant will return for final site plan approval and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr George Foukas. Voting in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

RESOLUTIONS

Chrmn Zecchino stated that 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. Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of SASAN IMANI for side yard and combined side yard variances to permit conversion of the attic to a 3rd story addition where 2 stories are permitted for premises located at 32 Lorrie Lane, Block 71.03, Lot 24, was adopted.
2. Upon motion made by Comr. Michael Molner, seconded by Comr. George Foukas, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KANOON RESTAURANT for variances to construct a fully enclosed, covered patio, covered walkway, and 160 sq ft shipping container for premises located at 349 Hazel Street, Block 15.13, Lot 7, was adopted.
3. Upon motion made by Comr. Michael Molner, seconded by Comr. George Foukas, and affirmed by Comrs., the Resolution GRANTING the application of LORD AND SHEPHERD PROPERTIES LLC for preliminary and final site plan approval, use variance relief, and bulk variances to replace an existing furniture store with a restaurant and self storage space for premises located at 1500 Main Ave., Block 9.19, Lot 1, was adopted.

Thereafter, upon motion made by Comr. Scott Sochon, seconded by Comr. Michael Molner the Minutes of the September 6, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

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,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **CLIFTON CHEDER, INC.**
for premises known as: **213-224 Barkley Ave., Block 19.10, Lot 1 and Block 19.08 Lot 13**
be and the same is hereby: **GRANTED preliminary and final site plan approval and variances to convert the accessory day care center to a private school and related site improvements.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 preliminary and final site plan approval and variances to convert the accessory day care center to a private school and related site improvements; and

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

a. The applicant seeks preliminary and final site plan approval and variances to convert the accessory day care center to a private school and complete related site improvements; and

b. The property is comprised of two corner lots with frontage on Barkley Avenue and Delaware Street within the RB1 and BD Zones; and

c. One portion of the lot is developed with the Clifton Jewish Center, house of worship, and a day care center, while the other portion of the lot has a paved surface parking lot ;

d. The applicant seeks to convert the daycare building into a private girls school; and

e. The applicant testified that the applicant operates a school in another location, but that site was impacted by a recent fire; and

f. The applicant testified that the school will operate as an all girls private school serving grades K through 8. The school will employ approximately 30 teachers and educate approximately 190 students. Staff will arrive at 8:15, while students will be dropped off beginning at 8:30 am. On Monday through Thursday, K to 5 students will be picked up at 3:45 pm, and Grade 6 to 8 students will be picked up at 4:45 pm. On Fridays, student pick up will occur at 12:30 pm for all students. The school will operate from September through June. Currently, no summer programming takes place, but may in the future; and

g. The applicant's expert provided testimony that while there are more trips anticipated, the number of trips will not create a substantial impact on traffic nor a substantial disruption to the public or neighborhood.

h. The applicant testified that the onsite parking lot will be used only by the school and will not be utilized for student recreational use; and

i. The Clifton Jewish Center and the Applicant have an agreement to permit the Jewish Center to continue to operate on the Property for a period of five years; and

j. Such agreement has been in place for approximately one year, and the house of worship is anticipate to cease operations approximately four years from now; and

k. The applicant requests d(1) and d(3) variances. A d(1) variance is requested as there will be more than one principal use on the site, and a d(3) variance is requested as educational/school uses are a conditionally permitted use, and the following conditions are not met:

1. Minimum lot area: 0.67 acres existing and proposed, while 1 acre is required;
2. Number of stories permitted: 2.5 stories existing and proposed where 2 stories are permitted; and
3. Maximum impervious coverage: 74.7% existing, 75% proposed where 20% is permitted; and
4. Minimum front yard setback: 9.8 ft existing and proposed where 25 ft is required;
and
5. Minimum side yard setback: 7.4 ft existing and proposed where 25 ft is required;
and

l. The applicant's experts provided testimony that the proposed site would accommodate the use despite not meeting the conditions set forth in the Zoning Ordinance

m. The applicant offered testimony to establish that the use is an inherently beneficial use and the site is particularly suitable for the use proposed; and

n. The applicant provided testimony that the regarding the negative criteria including proof that the use will not substantially impair the intent and purpose of the zone plan, and its not inconsistent with the purpose of the master plan; and

o. The applicant has shown sufficient hardship to justify the grant of the variances requested;

p. 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for preliminary and final site plan approval and variances to convert the accessory day care center to a private school and related site improvements for premises located at preliminary and final site plan approval and variances to convert the accessory day care center to a private school and related site improvements, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:
Seconded by:
Affirmed by:

Comr. MICHAEL MOLNER
Comr. ZALMAN GURKOV
Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov,
Scott Sochon, Michael Molner, George Foukas, and Chrmn
Mark Zecchino.

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MEMET TOY**
for premises known as: **489 Clifton Ave., Block 12.08, Lot 7**
be and the same is hereby: **DENIED a use variance and parking variance to convert commercial property into mixed use building with one residential unit.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests a use variance and parking variance to convert commercial property into mixed use building with one residential unit; and

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

a. The applicant owns the property, which is zoned for commercial use, and seeks a variance to permit residential as well as commercial use ; and

b. The applicant would like to change the use of the second floor to permit residential use as he cannot find a commercial tenant for the second floor; and

c. The property contains a separate entrance for the second and third floor; and

d. Currently, the property requires 11 parking spaces, and the change in use would result in a reduction in the mandatory parking requirement. As a result of the use variance, the property would require 9 parking spaces where 5 are existing and proposed t; and

e. The applicant has failed to demonstrate sufficient hardship to justify the grant of the variance requested; and

f. The detriments of the application outweigh the benefits; and

g. The applicant failed to provide evidence to establish the negative and positive criteria, as required by law, and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds from the testimony 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 use variance and parking variance to convert commercial property into mixed use building with one residential unit for premises located at 489 Clifton Ave., Block 12.08, Lot 7, is hereby denied.

Resolution moved by:
Seconded by:
Affirmed by:

Vice Chrmn GERARD SCORZIELLO
Comr. MAUREEN O'CONNOR
Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MANUEL ACOSTA**
for premises known as: **177 Christie Ave., Block 6.15, Lot 23**
be and the same is hereby: **GRANTED** variances to construct a platform with steps for a new house entrance.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 variances to construct a platform with steps for a new house entrance; and

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

- a. The property is a two family home purchased by the applicant in 2020. The applicant lives in one of the homes; and
- b. Due to the nature of the entrance and egress, the applicant cannot directly access the rear deck except by way of a shared entrance; and
- c. For safety and security reasons, as well as convenience, the applicant stated that the variance would allow him the full enjoyment of his property ;
- 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a platform with steps for a new house entrance, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. GEORGE FOUKAS

Comr. SCOTT SOCHON

**Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **YAZAN ALBAJES**
for premises known as: **99 Arlington Ave., Block 14.23, Lot 8**
be and the same is hereby: **GRANTED** for variances to construct a detached garage in place of old sheds.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 for variances to construct a detached garage in place of old sheds; and

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

- a. The applicant wishes to construct a detached garage; and
- b. The garage will be approximately 700 sq ft, one story, and will store vehicles; and
- c. The applicant testified that his neighbors have detached garages close to their homes; and
- d. The proposed garage will be located in place of old sheds, and will be 75 ft from the main dwelling where a maximum of 20 ft is required; and
- e. The proposed garage will also require extension of the driveway into the side property line reducing distance to 0 ft where 5 ft is required; and
- f. The applicant has shown sufficient hardship to justify the grant of the 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a detached garage in place of old sheds, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:
Seconded by:
Affirmed by:

Comr. ZALMAN GURKOV
Comr. GEORGE FOUKAS
Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **DAVID & MIRIAM SHERIL**
for premises known as: **386 Rutherford Blvd., Block 58.07, Lot 38**
be and the same is hereby: **GRANTED** variances necessary for a front porch addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 variances necessary for a front porch addition; and

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

- a. The applicant seeks to improve the property by adding a covered porch next to the existing front stairs; and
- b. The porch will fit into the notch of the house; and
- c. The variances are required due to the lot coverage and location in the front yard, and side yard setbacks; and
- d. The proposed deck is an aesthetic enhancement and only adds 2.45% increase in lot coverage; and
- e. The applicant has shown sufficient hardship to justify the grant of the 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application variances necessary for a front porch addition, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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. GEORGE FOUKAS

Affirmed by:

Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MARLON & ESTEFANIA MORA**
for premises known as: **119 Rutgers Pl., Block 27.10, Lot 58**
be and the same is hereby: **GRANTED** variances to convert the existing attached garage into living space.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 variances to convert the existing attached garage into living space; and

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

- a. The applicant seeks to improve the property by converting the attached one car garage into living space; and
- b. The applicant will retain the front door; and
- c. The need for living space is necessary for the applicant due to financial reasons as they cannot purchase another home given the current real estate market; and
- d. The entire garage will be converted to living space; and
- e. The applicant stipulated that they will install bollards in front of the garage door to prevent a care from mistakenly driving in; and
- f. The applicant has shown sufficient hardship to justify the grant of the 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to convert the existing attached garage into living space, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. ZALMAN GURKOV

Comr. SCOTT SOCHON

**Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MAHMOUD ALHAJ**
for premises known as: **21 Hillman St., Block 11.08, Lot 10**
be and the same is hereby: **GRANTED** variances to construct a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. 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 variances to construct a second floor addition; and

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

- a. The applicant currently owns a two story home, where the second floor does not cover the entirety of the first floor foot print; and
- b. The applicant seeks to build out over the rest of the first floor footprint; and
- c. The applicant requests variances for front yard setback, side yard setback, and combined side yard setback; and
- d. All variances are for existing non-conformities; and
- e. The applicant will not change the home's existing footprint; and
- f. The applicant has shown sufficient hardship to justify the grant of the 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a second floor addition, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **SHUMEL & FRAYDA GRUNBERGER**
for premises known as: **146 Rutherford Blvd., Block 60.09, Lot 28**
be and the same is hereby: **GRANTED** variances to construct a second story addition and convert the attached garage into living space.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variances to construct a second story addition and convert the attached garage into living space; and

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

a. The applicant proposes to add additional living space and the rear and front of the property, with all side yard setbacks remaining as currently in existence. ; and

b. The improvements sought by the applicant seek variances for front yard setback, side yard setback, combined side yard setback, and lot coverage; and

c. The applicant provided testimony that the front yard and side yard setbacks are existing nonconformities; and

d. The garage will be converted into living space, the driveway is not being used, and the applicant provided testimony that there is ample parking on the street; and

e. The applicant also provided testimony that the first floor of the garage will be storage and not utilized for a vehicle, while the second floor will be living space; and

f. The applicant testified that the need for these improvements were caused by his growing family and it is not feasible for them to move as interest rates and housing costs increase; and

g. The applicant also provided testimony that stormwater runoff will not be increased and will not negatively impact the surrounding neighborhood; and

h. Following input from multiple interested parties, the applicant agreed to eliminate the side door entrance

- i. As a condition of approval, the Board instituted the following stipulations:
 1. Bollards will be installed in front of the existing garage door; and
 2. The side door will be closed and removed
- j. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- k. 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for variances to construct a second story addition and convert the attached garage into living space, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:

Seconded by:

Affirmed by:

Vice Chrmn GERARD SCORZIELLO

Comr. MICHAEL MOLNER

**Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF SEPTEMBER 20, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **PETER MASTRIANO**
for premises known as: **125 Madeline Ave., Block 16.16, Lot 7**
be and the same is hereby: **GRANTED a use variance to convert an existing mixed use building to 4 residential apartments where 2 are permitted**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 20, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests a use variance to convert an existing mixed use building to 4 residential apartments where 2 are permitted; and

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

a. The applicant seeks a use variance to convert the existing mixed used building to 4 residential apartments where 2 are permitted. The applicant also seeks a parking variance as 8 spaces are required and 5 are proposed.; and

b. There are 2 businesses currently on the first floor and 2 residential units on the second floor. The 2 businesses on the first floor will be converted to residential.; and

c. Currently, there is no parking on the site. By changing the use, the number of parking spots required will be reduced and the applicant will provide parking; however, the applicant still requires a variance; and

d. The exterior of the property will not be changed other than the fact that the applicant will pave the back yard, and there will be interior improvements; and

e. The applicant agreed to bifurcate the application to allow the Board to consider the use variance separate from the site plan review, as an engineering report regarding impervious coverage is required; and

f. The applicant agreed that should preliminary and/or final siteplan approval be required, the applicant will return to the Board for consideration; and

g. The applicant also provided testimony that there is no demand for stores in the area and the entire area is residential. The applicant also stated that stated that there is not enough parking for stores and apartments would be more appreciated by the community; and

h. The applicant uses and will continue to use a private trash hauler who will not pick up trash prior to 7 am, and all tenants will receive a wheeled trash can for trash disposal; and

i. A property manager will be employed by the applicant to address any issues that arise, coordinate and provide snow removal, and perform any necessary site maintenance; and

j. The applicant provided clear testimony that the use proposed is less intense than the current use of the property; and

k. As a condition of approval, the Board instituted the following stipulations:

1. A fence will be installed between the property and the neighboring site; and

1. The applicant has shown sufficient hardship to justify the grant of the variances requested;

m. 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application a use variance to convert an existing mixed use building to 4 residential apartments where 2 are permitted, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, 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 the 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, are 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:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Comr. GEORGE FOUKAS

**Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**