

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, October 4, 2023. Chrnm Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the “Open Public Meeting Law” all notice requirements were satisfied. Chrnm Zecchino announced the time, place, and form of notice as well as advising all 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, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS. ALESSIA ERAMO, MAUREEN O’CONNOR, AND ZALMAN GURKOV.

Chrnm 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; Application was previously heard and denied by the Board in 2020. Variance; Following an appeal to the New Jersey Superior Court, Law Division, Site Plan Docket No, PAS-L-309-21, the Superior Court reversed the December 2, (CONTINUED TO 2020 decision of the Board and remanded the matter back to the Board 10/04/2023) 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 attorney for the applicant, this matter was carried for further proceedings by the Board beginning on the November 1, 2023 meeting of the Board with no further notice required. The Applicant extended the time for the Board to act through November 30, 2023.

Comr. Molner asked cars will be parked in front of the former garage. The applicant stated that the asphalt will not be removed in front of the old garage. Comr. Molner asked for a stipulation regarding the installation of bollards in front of the former garage.

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

1. The applicant will install bollards in front of the old garage door.

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

2. **SOHEL KHAN**, 712 Grove St., Block 62.06, Lot 12 – RA1 – The applicant is requesting to keep partially constructed shed which requires the following variances; proposed at 5' from side street lot line where 25' required, 1' from rear property line where 3' required, 5' from house where 10' required.

The applicant, residing at 712 Grove St, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant stated that he wishes to complete construction on a semi-built shed on the zone of his house. He stated he didn't know that he needed approval from the zoning board before he started construction and stopped once he received word.

Chrmn Zecchino asked if this was the only place the shed could be placed. The applicant confirmed that it could only be placed there because there is a pool in the rear of the property. He stated that the pool was installed about 7 years ago and is about 10 feet off the rear deck. He explained that the gravel area is the only other place that his family can sit in the yard.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. There was no second, and the Motion to grant failed.

After a review of the testimony, Comr. Scott Sochon moved to deny the application for fear of other applicants with similar issues. The motion was seconded by Comr. George Foukas. Voting in favor of the Motion to approve the application were Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino. Voting against the Motion to deny was Vice Chrmn Gerard Scorziello . By a five to one vote, the motion carried and the application was denied in the form as more fully appears at the end of these Minutes.

3. **ZAHER ABDALJAWWAD**, 148 (150) W 1st St., Block 16.05, Lot 23
Variance – RB1 – The applicant is requesting to convert existing one family house into a two-family house by constructing a two-story addition which requires the following variances; lot area proposed at 7,000 sq. ft where 7,500 sq. ft required, lot width proposed at 70' where 75' required and a variance for the driveway being too close to the property line is also being requested.

The applicant, residing at 148 (150) W 1st St., Clifton, New Jersey was present and sworn. There were no objectors.

The applicant offered the following Exhibits:

Exhibit A-1 – Photograph of driveway

The applicant stated that he has a one family house and he wants to improve it. He has his parents who live with him and he wants to give them their own space. He stated he is short 500 sq ft. per the City ordinance. He stated that it will be the same building, but will be a separate apartment for his parents.

Chrmn Zecchino stated that he understood that the deviation is deminimus, but asked if there will be sufficient parking. The application explained that he can fit two cars and will still have 3 feet on one side and 2 feet on another side. Zoning Officer Bolcato stated that by ordinance, four parking spots are required. The applicant stated that the parking area is longer and he could fit two other cars in the front or behind those other cars.

Comr. David Braid asked about the size of the new unit. The applicant stated that the apartment will be 2 bedrooms and one bath, similar to the other apartment. There will be no living space in the attic and there will be storage there. Chrmn Zecchino stated that he believed the attic has pull down stairs as well.

Comr. Molner asked about the distance of the driveway from the property line. Ms. Bolcato stated that the ordinance requires 5 feet from the side of the line, but that the driveway is 1.5 ft from the property line.

Vice Chrmn Gerard Scorziello asked if the driveway will be paved. The applicant stated he would be willing to do so. Chrmn Zecchino recommended cobblestone to enhance waterflow to prevent flow on to neighbor property. Comr. Molner asked if the Board was discussing a double lane driveway.

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

1. The applicant will install a two lane driveway with proper pitch and installation of cobblestone to prevent stormwater runoff from entering neighboring property;

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to grant the application with the noted stipulations 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. David Braid, Scott Sochon, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. Voting against the Motion to approve were Comr. Michael Molner, George Foukas. By a four to two vote, the motion carried and the application was granted in the form as more fully appears at the end of these Minutes.

4. **JOSELINE HELENA**, 100 Vreeland Ave., Block 9.17, Lot 28– RB1 –
Variance The applicant is requesting to keep already constructed gazebo which requires the following variances; rear yard setback proposed at 2' where 3' required, side yard setback proposed at 1.5' where 3' required, and lot coverage proposed at 36.8% where 27% is permitted.

The applicant, residing at 100 Vreeland Ave, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant wishes to keep an existing pergola in her yard and it does not meet the setback requirements.

Chrmn Zecchino asked Zoning Officer Bolcato about the variance requested. Zoning Officer Bolcato advised that there are setback and lot coverage variances requested.

Chrmn Zecchino asked about the roof of the pergola and the drainage. The applicant stated that water runs off on to her property.

Comr. Molner asked why the pergola cannot be moved to meet the setback requirements. Ms. Bolcato advised that the lot coverage issue will persist even if the pergola is moved. The applicant stated that the pergola is fully within her property. Ms. Bolcato stated that the applicant could move the pergola 1 foot from the rear setback and 1.5 feet from the side yard setback.

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

1. The pergola will be moved to comply with the rear yard and side yard setback ordinances.

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

5. **RICHARD VANBLARCOM**, 165 Union Ave., Block 18.18, Lot 17 – RB1 – The applicant is requesting to build a deck in the rear of the house which requires the following variance, proposed lot coverage is 37.5% where 27% is permitted.

The applicant, and Susan Vanblarcom, his wife, residing at 165 Union Ave, Clifton, New Jersey was present and sworn. There were no objectors.

Ms. Vanblarcom stated that they would like to put a deck on the back of their house. Chrmn Zecchino asked Zoning officer Bolcato what variance is needed. Ms. Bolcato explained that it is a lot coverage variance.

Comr. Foukas asked about the deck size.

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

6. **ROSANNA ROSARIO**, 13 Hilton St., Block 11.11, Lot 11 – RB2 – The applicant is requesting approval to complete attic dormer which requires the following variances; dormer creating 3rd story where 2 stories permitted, side yard to dormer proposed at 3.53' where 6' required, and front yard setback to proposed dormer proposed at 20.7' where 25' required.

The applicant and Emily Rosario, residing at 13 Hilton St, Clifton, New Jersey was present and sworn. There were no objectors.

Ms. Rosario stated that the applicant is requesting permission for an attic dormer. The dormer is requested to allow for more space because currently the attic is so small they have to crouch. The applicant contacted a roofing company and began work, and the roofing company started work and then they received notice that they needed to come before the Board. Ms. Rosario explained that the attic is approximately 5 feet high and the purpose is solely for storage. The applicant has been in this home for 5 years.

Chrmn. Zecchino stated that head room creates concern for more living space. Chrmn Zecchino also asked if this is a one or two family home. Ms. Rosario stated that this is a one family home.

Comr. Sochon asked if there are windows in the dormer. Ms. Rosario stated that there is one window.

After a review of the testimony, Comr. Scott Sochon moved to grant the application, on the ground that the dormer height and rafters are too low for living space, 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. David Braid, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. By a six to zero vote, the motion carried and the application was granted in the form as more fully appears at the end of these Minutes.

7. **LOURDES NUNEZ**, 528 Piaget Ave., Block 17.09, Lot 30 – R-A3 –
Variances; Use The applicant is seeking approval for a use variance to convert the
Variance property from a single-family home to a two-family home. The applicant
is seeking two new bulk variances, one for the amount of square feet per
dwelling unit. The ordinance requires 5,000 per dwelling unit and the
applicant is providing 4,000 per dwelling unit. The applicant is also
seeking a variance for one parking space as two parking spaces are
required and the applicant is providing one parking space. The applicant
will be seeking any and all other reviews and/or other variances or
waivers that the Board may deem applicable.

At the request of the attorney for the applicant, this matter was carried for further proceedings by the Board beginning on the October 18, 2023 meeting of the Board with no further notice required. The Applicant extended the time for the Board to act through said date.

8. **GEELAND, LLC**, 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2
Variances; Use – The applicant proposes to raze the existing commercial building and
Variance; Site Plan construct a 4-story 125,200 sq ft self storage facility, parking, lighting,
landscaping, stormwater management, and related site improvements.
The applicant seeks relief as follows: 1. A variance pursuant to N.J.S.A.
40:55D-70d(1) to permit a self-storage facility use which is not a
permitted use in the R-A2 Zone District contrary to Section 461-13.1.C.
2. A variance pursuant to N.J.S.A. 40:55D-70d(6) to permit building
height of 39.8 feet where a maximum of 30 feet is allowed pursuant to
Section 461 Attachment 1. 3. A variance pursuant to N.J.S.A. 40:55D-
70c to permit a 4-story building where a maximum of 2 stories is allowed
pursuant to Section 461 Attachment 1. 4. A variance pursuant to N.J.S.A.
40:55D-70c to permit 14 parking spaces where a minimum of 67 parking
spaces are required pursuant to Section 461-60.1.A. 5. A variance
pursuant to N.J.S.A. 40:55D-70c to permit 2 loading spaces where a
minimum of 13 loading spaces are required pursuant to Section 461-
60.1B. 6. A variance pursuant to N.J.S.A. 40:55D-70c to permit a ground
sign 2 feet from the right-of-way line where a minimum of 30 feet is
required pursuant to Section 461-55.C. The applicant seeks such other
approvals, variances, waivers or design exceptions that may be deemed
necessary.

At the request of the attorney for the applicant, this matter was carried for further proceedings by the Board beginning on the December 6, 2023 meeting of the Board with no further notice required. The Applicant extended the time for the Board to act through said date.

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. Zalman Gurkov, 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 CLIFTON CHEDER 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 213-224 Barkley Ave., Block 19.10, Lot 1 and Block 19.08 Lot 13, was adopted.
2. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Maureen O'Connor, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution DENYING the application of MEMET TOY for a 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, was adopted.
3. Upon motion made by Comr. George Foukas, seconded by Comr. Scott Sochon, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MANUEL ACOSTA for variances to construct a platform with steps for a new house entrance for premises located at 177 Christie Ave., Block 6.15, Lot 23, was adopted.
4. Upon motion made by Comr. Zalman Gurkov, seconded by Comr. George Foukas, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of YAZAN ALBAJES for variances to construct a detached garage in place of old sheds for premises located at 99 Arlington Ave., Block 14.23, Lot 8, was adopted.
5. Upon motion made by Comr. Zalman Gurkov, seconded by Comr. George Foukas, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of DAVID & MIRIAM SHERIL for variances necessary for a front porch addition for premises located at 386 Rutherford Blvd., Block 58.07, Lot 38.

6. Upon motion made by Comr. Zalman Gurkov, seconded by Comr. Scott Sochon, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARLON & ESTEFANIA MORA for variances to convert the existing attached garage into living space for premises located at 119 Rutgers Pl., Block 27.10, Lot 58, was adopted.
7. Upon motion made by Comr. George Foukas, seconded by Comr. Scott Sochon, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of MAHMOUD ALHAJ for variances to construct a second floor addition for premises located at 21 Hillman St., Block 11.08, Lot 10, was adopted.
8. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Michael Molner, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of SHUMEL & FRAYDA GRUNBERGER for variances to construct a second story addition and convert the attached garage into living space for premises located at 146 Rutherford Blvd., Block 60.09, Lot 28, was adopted.
9. Upon motion made by Comr. Scott Sochon, seconded by Comr. George Foukas, and affirmed by Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of PETER MASTRIANO for a use variance to convert an existing mixed use building to 4 residential apartments where 2 are permitted for premises located at 125 Madeline Ave., Block 16.16, Lot 7, was adopted.

Thereafter, upon motion made by Comr. Scott Sochon, seconded by Comr. George Foukas the Minutes of the September 20, 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 OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JOSIAH DAVIS**
for premises known as: **150 6th Ave, Block 9.05, Lot 1**
be and the same is hereby: **GRANTED** variances to construct two car detached garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 two car detached garage; and

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

- a. The applicant proposes to construct two car detached garage; and
- b. The two car garage would be for storage space; and
- c. The property currently has an attached garage underneath the home, but that garage is used for storage and cannot fit the applicant's cars; and
- d. The applicant will remove the current garage door and replace it with a full wall; and
- e. As a condition of approval, the Board instituted the following stipulations:
 1. Bollards will be installed in front of the old garage door
- 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 two car detached garage for premises located at 150 6th Ave, Block 9.05, Lot 1, 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

Vice Chrmn GERARD SCORZIELLO

Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **SOHEL KHAN**
for premises known as: **712 Grove St., Block 62.06, Lot 12**
be and the same is hereby: **DENIED application for variances to keep partially constructed shed.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant seeks variances to keep partially constructed shed; and

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

- a. The applicant has a semi-built shed on his property ; and
- b. The applicant stated he did not know he needed approval from the zoning board before starting construction and ceased construction once he was notified; and
- c. The rear of the property has a deck, pool, and gravel area, but the shed is placed outside of those areas; and
- d. The shed is placed in an area which requires side yard and rear yard setback variances; and
- e. The applicant stated that the shed could only be placed where it is because otherwise his family cannot use his backyard; and
- f. The Board determined that the applicant failed to demonstrate sufficient hardship justifying the variances; and
- g. The Board determined that the detriments of the application outweigh the benefits; 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 variances to keep partially constructed shed for premises located at 712 Grove St., Block 62.06, Lot 12, is hereby denied.

Resolution moved by:

Seconded by:

Affirmed by:

Comr. SCOTT SOCHON

Comr. GEORGE FOUKAS

Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **ZAHER ABDALJAWWAD**
for premises known as: **148 (150) W 1st St., Block 16.05, Lot 23**
be and the same is hereby: **GRANTED** variances to convert existing one family house into a two-family house by constructing a two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 convert existing one family house into a two-family house by constructing a two-story addition; and

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

a. The applicant stated that he has a one family house and he wants to improve it to give his parents, who live with him, their own space; and

b. The applicant requires a lot area and lot width variance, as well as a variance for the driveway being too close to the property line; and

c. The applicant will maintain the exterior lay out and the interior layout will be modified to provide two separate two bedroom, one bathroom apartments.; and

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

1. The applicant will install a two lane driveway with proper pitch and installation of cobblestone to prevent stormwater runoff from entering neighboring property;

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

f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the 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 existing one family house into a two-family house by constructing a two-story addition for premises located at 148 (150) W 1st St., Block 16.05, Lot 23, 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. SCOTT SOCHON

Comrs. David Braid, Scott Sochon, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JOSELINE HELENA**
for premises known as: **100 Vreeland Ave., Block 9.17, Lot 28**
be and the same is hereby: **GRANTED** variances to keep already constructed gazebo.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 variances to keep already constructed gazebo; and

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

- a. The applicant wishes to keep an existing pergola in her yard and it does not meet the setback requirements; and
- b. Construction of the gazebo also requires a lot coverage variance; and
- c. As a condition of approval, the Board instituted the following stipulations:
 1. The pergola will be moved to comply with the rear yard and side yard setback ordinances.
- 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 keep already constructed gazebo for premises located at 100 Vreeland Ave., Block 9.17, Lot 28, 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. MICHAEL MOLNER

Seconded by:

Comr. DAVID BRAID

Affirmed by:

Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **RICHARD VANBLARCOM**
for premises known as: **165 Union Ave., Block 18.18, Lot 17**
be and the same is hereby: **GRANTED** variances to build a deck in the rear of the house.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 build a deck in the rear of the house; and

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

- a. The applicant wishes to build a deck in the rear of the house; and
- b. Constructing the deck increases the lot coverage to 37.5% where 27% is permitted; and
- c. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the 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 build a deck in the rear of the house for premises located at 165 Union Ave., Block 18.18, Lot 17, 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
Vice Chrmn GERARD SCORZIELLO
Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF OCTOBER 4, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **ROSANNA ROSARIO**
for premises known as: **13 Hilton St., Block 11.11, Lot 11**
be and the same is hereby: **GRANTED** variances to complete attic dormer.

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 4, 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 variances to complete attic dormer; and

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

- a. The applicant wishes to complete construction on an attic dormer; and
- b. The applicant contacted a roofing company and began work, and the roofing company started work and then they received notice that they needed to come before the Board; and
- c. With the dormer, the attic is approximately 5 feet high; and
- d. The dormer is necessary for storage and will not be used for living space; and
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that there has been no testimony presented to show that the 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 complete attic dormer for premises located at 13 Hilton St., Block 11.11, Lot 11, 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. SCOTT SOCHON
Seconded by: Comr. MICHAEL MOLNER
Affirmed by: Comrs. David Braid, Scott Sochon, Michael Molner, George Foukas, Vice Chrnm Gerard Scorziello and Chrnm Mark Zecchino.