

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, January 15, 2020. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: COMRS DANIEL TRENK AND ZALMAN GURKOV.

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the January 9, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

1. LOUIS REYNOLDS, 32 Fordham Road,
Variances Block 26.05, Lot 24 – RA3 – Applicant
 proposes to install a fireplace within the
 house and the chimney would be 5.2' from
 the right side lot line where 6' is required.
 A new detached garage is proposed on
 an existing concrete slab. Garage will
 be 2.9' from the left side lot line where
 5' is required.

The applicant, residing at 32 Fordham Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes to install a fireplace within the dwelling house and the chimney would be 5 feet 2 inches from the right side lot line where 6 feet is required; that a new detached garage is proposed on an existing concrete slab; that the garage will be 2 feet 9 inches from the left side lot line 5 feet is required.

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

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

NEW HEARINGS

1. **ESTATE OF RAYMOND SIKORSKY,**
Use 872 Grove Street, Block 74.10, Lot 21
Variance -- RA4 – The Applicant seeks a D-1 use variance for permission to change the non-conforming permitted use on the Property (Zoning Board approval granted February, 1997 to allow auto repair and Ryder Truck Rental) to allow a commercial use whereby the property can be used by a commercial cleaning business for general office purposes and for parking commercial vehicles used in the operation of the business. The Applicant is the current owner of the Property. The Applicant has executed a contract to sell the Property to a third-party purchaser who intends, upon approval from the Zoning Board, to use the Property as an office in conjunction with an off-site commercial cleaning business. The business will utilize the site for parking of up to seven commercial vehicles and for automobile parking during normal business hours. There is no cleaning work performed on the Property. The commercial cleaning business does not store cleaning products on site, nor does it carry or dispose waste or hazardous materials. Applicant shall

apply for those variances and waivers from the Clifton Zoning Ordinance as such variances and waivers are deemed necessary during the course of the hearing of the Application. Applicant reserves the right to amend the Application if deemed necessary by the Board during the course of the hearing of the Application and to seek any other variances deemed necessary by the Board.

This matter was continued to the February 5, 2020, meeting of the Board at the request of the attorney for the applicant.

2. **GHOST HAWK BREWING COMPANY LLC,**
Use 321 River Road, Unit 6, Block 73.03, Lot 54
Variances; -- B-C – Applicant seeks approval to allow
Variance the continuation of the existing microbrewery and related retail uses (sales of beer, tasting bar and beer garden) along with the proposed addition of live music, expansion of the beer garden, expansion of public hours (Wednesday through Friday, 4:00 PM to 10:00 PM; Saturday, noon to 10:00 PM; and Sunday, noon to 6 PM) and installation of additional signage. The applicant is seeking the following approval/relief from the City of Clifton Zoning Board of Adjustment:
- a. Preliminary and Final Site Plan Approval;
 - b. Use/D variance(s) to permit the expansion of existing nonconforming use(s);
 - c. Use/D variance to permit more than one (1) principal use on a lot;
 - d. Variance from the requirements of the sign ordinance;
 - e. All other required waivers, variances, approvals and relief.

Anthony Giambrone, Jr., Esq., with offices at 710 Route 46 East, Fairfield, New Jersey, appeared on behalf of the applicant. Present and sworn were: Thomas Rachelski, President and CEO of the applicant, of 321 River Road, Clifton, New Jersey; and Frank D. Mileto, architect and planner, of 14 Beaver Brook Drive, Long

Valley, New Jersey. There was one interested party, Vasilios Chrisafinis of Rutt's Hut, 417 River Road, Clifton, New Jersey.

Mr. Giambrone stated that the applicant seeks approval to allow the continuation of the existing microbrewery and related retail uses at the subject premises which includes sales of beer, tasting bar, and beer garden; that the applicant requests approval for the addition of live music, the expansion of the beer garden, expansion of public hours, and the installation of additional signage.

Mr. Rachelski gave testimony as the President of the applicant and stated that the applicant requests a continuation of the existing microbrewery along with the proposed addition of live music and the expansion of the beer garden; that the applicant is also requesting approval to expand the hours of operation from Wednesday through Friday from 4 PM to 10 PM; Saturday from Noon to 10 PM; and Sunday from Noon to 6 PM; that the applicant is also seeking approval for the installation of additional signage at the premises.

Frank D. Mileto testified as an architect and planner and stated that the applicant is proposing entertainment to the existing use; that entertainment is accessory to the existing use; that in the past, the Board has granted a variance to operate a microbrewery and more than one principal use on the lot on April 4, 2018; additionally, the Board granted a use variance to expand the area and square footage for additional storage on September 19, 2018; that the Board also granted use variance on April 4, 2018, to operate a microbrewery with a retail element and more than one principal use on the lot; that the applicant is now seeking an expansion of the approval given; that the property is irregularly shaped; that the applicant has satisfied the positive and negative criteria required for the grant of the use variance; that in his opinion, the existing use is an appropriate use of the property; that there is no smoke, no odors, and no noise emanating from the site.

Comr DeStefano expressed his concern about the proposed expansion of the beer garden and questioned whether there was adequate parking at the site. Mr. Rachelski responded that the applicant provides 19 parking spaces; that the applicant will withdraw its request for the expansion of the beer garden.

Mr. Chrisafinis, a principal of Rutt's Hut located at 417 River Road, Clifton, New Jersey, testified that he is concerned about the parking at the site.

Chrmn Zecchino stated that the Board may act upon the expansion of the hours of operation and the installation of an additional sign, however, the issue of an entertainment license is only within the jurisdiction of the Mayor and Municipal Council, and if the Board does give approval, any such approval would be conditioned upon obtaining the entertainment license from the Mayor and Municipal Council.

With respect to the sign, the applicant stated that it would comply with the provisions of the zone ordinance.

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 for continuation of the microbrewery and related retail uses, and expansion of the public hours, Wednesday through Friday 4 PM to 10 PM; Saturday from Noon to 10 PM; and Sunday from Noon to 6 PM, but no approval for the expansion of the beer garden or variance for sign and subject to the approval of the Mayor and Municipal Council for an entertainment license. The motion was seconded by Comr Roy Noonburg. Voting for the motion were Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against the motion were Comrs Michael Molner and George Foukas. By a five to two vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3. **MEADOWLANDS ATHLETIC CENTER,**
Use 316 Colfax Avenue – Rear, Block 28.02,
Variance Lot 20; 314 Colfax Ave. (Easement Area)
Block 29.04, Lot 1 – M-1 – Applicant
proposes to use an industrial space for
manufacturing of floor equipment, DJ
rentals for cheer competitions, and 1 on 1
and group/team instruction of tumbling/
cheerleading. A use variance is required
for the instruction of tumbling/cheerleading.
Any other relief deemed necessary by the
Board.

Present and sworn on behalf of the applicant were the following: Michele Stirone of 27 Park Avenue, North Arlington, New Jersey; Mitchell Fishman of 310, 314, 316 Colfax Avenue, Clifton, New Jersey; Michael Castellano, 1701 78th Street, North Bergen, New Jersey; James Hobin, 308 Colfax Avenue, Clifton, New Jersey; and Joseph Staigar of 245 Main Street, Chester, New Jersey. Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of an objector, Todd Morici of 300 Colfax Avenue, Clifton, New Jersey.

Ms. Stirone testified that she is the principal shareholder of Meadowlands Athletic Center which is a limited liability company doing business as Meadowlands Starz; that the applicant proposes to use an industrial space at 316 Colfax Avenue

for manufacturing of floor equipment, disc jockey rentals for cheer competitions, and one-on-one group and team instruction of tumbling and cheerleading; that a use variance is required for the instruction of the tumbling and cheerleading; that she proposes to run the operation three to four days a week with possibly Saturday and Sunday; that from 5 PM to 6 PM, children ages 8 and under will be instructed; from 6 PM to 7 PM, children ages 8 through 13 will be instructed; that the cheerleaders consist of teams of 18 and 21 individuals; that there will be four instructors, including herself; that parking is in front of the site and on the side and is unmarked at the present time; that the floor equipment consists of pieces 5- by 5-feet which are connected.

On cross-examination by Mr. Carlet, Ms. Stirone stated that she is not familiar with the terms of an easement and whether the easement provides for no parking. Mr. Carlet offered for identification "O-1" which is a photograph of the vehicles parked within the easement.

Mr. Fishman testified as the owner of the premises; that the current use proposed is less intense than the prior use; that the current use would not interfere with the other industrial users which operate from 9 AM to 5 PM.

At this point in the hearing, there was discussion concerning whether the cars that park at the site are actually parking in the easement shown on the plans.

Mr. Fishman stated that the applicant would prepare a site plan to show that any proposed parking would not be within the easement.

Thereupon, the matter was continued by the Board until the March 4, 2020, meeting of the Board. The applicant stipulated to an extension of time within which the Board is required to render a decision.

RESOLUTIONS

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

1. Upon motion made by Comr George Foukas, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MICHAEL MOLNER for a front yard setback variance for a roof over the front stoop at 288 Delawanna Avenue, Block 59.11, Lot 29, was adopted.

2. Upon motion made by Comr Louis DeStefano, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARC LEILI for a 5-foot-high fence, 4-foot-high solid and 1-foot-high lattice, in the front yard at 27 Charles Street, Block 62.01, Lot 4, was adopted.

3. Upon motion made by Comr Michael Molner, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DARNELL BAEZ for a rear yard setback variance for a rear deck at 53 Forest Way, Block 40.15, Lot 3, was adopted.

There being no further business before the Board, Comr George Foukas moved to adjourn. The motion was seconded by Comr Scott Sochon with the unanimous approval of the entire Board.

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JANUARY 15, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LOUIS REYNOLDS for premises known as: 32 Fordham Road, Block 26.05, Lot 24 be and the same is hereby: GRANTED side yard setback variance for a chimney for a fireplace and a side yard setback variance for the erection of a detached garage.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 15, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a side yard setback variance for a chimney for a fireplace and side yard setback for a detached garage at premises located at 32 Fordham Road, Block 26.05, Lot 24, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a fireplace within the dwelling house of the subject premises, and the chimney would be 5 feet 2 inches from the right side lot line where 6 feet is required;
- b. A new detached garage is proposed on an existing concrete slab, and the garage will be 2 feet 9 inches from the left side lot line where 5 feet is required;
- c. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for side yard setback variance for a chimney and a detached garage at premises located at 32 Fordham Road, Block 26.05, Lot 24, be and the same are hereby approved and the variance for right side lot line and left side lot line be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr MICHAEL MOLNER.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF JANUARY 15, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GHOST HAWK BREWING COMPANY LLC for premises known as: 321 River Road, Unit 6, Block 73.03, Lot 54 be and the same is hereby: GRANTED use variance approval for an expansion of the existing microbrewery and retail uses consisting of sales of beer and tasting bar together with expansion of public hours.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 15, 2020. 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 request use variance approval as well as preliminary and final site plan approval at premises located at 321 River Road, Unit 6, Block 73.03, Lot 54, which premises are located in a B-C zone; and

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

- a. The site in question was previously granted a use variance for a contractor's shop and storage building on September 19, 2007;
- b. On November 19, 2014, the Board granted a use variance to operate a micro-distillery with a retail element and more than one principal use on the lot;
- c. On April 4, 2018, the Board granted use variances to operate a microbrewery and more than one principal use on the lot;
- d. On September 19, 2018, the Board granted a use variance to expand the area and square footage at the site for additional storage;
- e. The applicant now requests continuation and expansion of the aforesaid and expansion of public hours as follows: Wednesday through Friday, 4 PM to 10 PM; Saturday, Noon to 10 PM; and Sunday, Noon to 6 PM;
- f. All the aforesaid findings set forth in the prior Resolutions are incorporated herein by reference and made a part hereof;
- g. All stipulations set forth in the prior Resolutions adopted by the Board are incorporated in the within approval;
- h. The applicant has satisfied the positive and negative criteria required for the grant of the expansion of the use variance requested;
- i. The benefits of the application outweigh the detriments, if any;
- j. The applicant is seeking live music at the premises which requires an entertainment license to be approved by the Mayor and Municipal Council;
- k. The applicant has stipulated that it will withdraw its request for the expansion of the beer garden and sign variance; 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 the applicant testified that it has 19 parking spaces to accommodate its patrons which will help promote the health, safety, and general welfare of the site;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for the continuation of the microbrewery use and the related retail uses—that is, sales of beer and tasting bar--along with the expansion of hours to the public—to wit, Wednesday through Friday, 4 PM to 10 PM; Saturday, Noon to 10 PM; and Sunday Noon to 6 PM--at

premises located at 321 River Road, Unit 6, Block 73.03, Lot 54, be and the same is hereby approved and the use variance and preliminary and final site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

A. SUBJECT TO APPROVAL OF AN ENTERTAINMENT LICENSE BY THE MAYOR AND MUNICIPAL COUNCIL;

B. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;

C. SUBJECT TO ALL PREVIOUS STIPULATIONS SET FORTH IN PRIOR RESOLUTIONS ADOPTED BY THE BOARD; and the following:

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.