

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, January 18, 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 URI JASKIEL, GEORGE SILVA, 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.

Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, the Minutes of the January 4, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

REMANDED HEARING

1. **JOHN RADER**, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – 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 required variances. DENIED DECEMBER 2, 2022 – COURT-ORDERED REMAND.
Use Variance;
Variance;
Site Plan

This matter was continued without date.

CONTINUED HEARINGS

1. **522 VALLEY ESTATES LLC**, 522 Valley Road, Block 32.01, Lot 12 – Steep Slope District – Preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief (the “Application”) by 522 Valley Estates LLC (the “Applicant”) with respect to the property having a street address of 522 Valley Road, Clifton, New Jersey 07013, and being designated as Block 32.01, Lot 12 on the City of Clifton Tax Map (the “Property”). The Property is located in the Steep Slope Zoning District. The Applicant seeks approval to demolish the existing building and raze the Property and construct a new residential complex consisting of 21 townhouse dwelling units within three (3) separate buildings, along with related site improvements, including but not limited to parking, landscaping, and lighting. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (35 ft. permitted; 42.75 feet proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c), including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed). The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans
Use Variance;
Variances

(as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 15, 2023 meeting of the Board.

2. **WALBRI PROPERTIES, LLC**, 1 & 9 Walnut Street, Block 37.04, Lots 9 and 13 – M2 – An Application for development has been submitted for property located at 1 & 9 Walnut Street, Clifton, NJ; and also located at Interior Brighton Ave., City of Passaic NJ, Block 3245.03, Lot 10, Zone designation as C.

The purpose of the Application and the Project is for the development of the property & to combine the use of all 3 lots, to demolish the old pavement on the properties, and to construct a new 7,442 square foot 1 story 33.6 foot high commercial flex multi-tenant warehouse building on what is currently identified as Lot 9 and part of Lot 13, with 9 parking spaces, including 1 handicapped space on the remaining part of Lot 13 and on Lot 10.

The application in question requires the following approval/relief from the City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance:

Variances for: 1] Allowing “d(3)” conditional use variances, pursuant to N.J.S.A. 40:55-D-70.d (3), in that there is a deviation from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C. 40:55D-67) pertaining to a conditional use and based upon the requirements set forth in Clifton Code Section 461-36.E. and because the Applicant does not meet the following conditions, variances are required as to the following: (1) The frontage and principal access to such use shall be located on a collector or arterial street (as defined under Chapter 399, Subdivision of Land) not less than 60 feet in width; and (2) The frontage of the lot on which such use is proposed to be located shall not be within 1/2 miles of a public or parochial school or public park or playground which abuts the same street as the proposed truck terminal, transfer station, or warehouse fronts, except State Highway Route No. 3 and Route No. 46, measured along the center line of said street; and (3) The use shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and (4) The use shall meet the area, height and bulk requirements for industrial plants in an M-2 District and shall meet the off-street parking, loading and unloading, and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District; and allowing any other d(3) conditional use variances that may be required pursuant to N.J.S.A. 40:55D-70.d (3), for any other deviations from a specification or standard pursuant to section 54 of P.L. 1975, c. 291 (C. 40:55D-67) pertaining to the conditional use of the proposed building and use on the subject property; 2] Front Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a front yard setback of 20 feet is required and front yard setback of three (3) feet is proposed; 3] Rear Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a rear yard setback of 40 feet is required and rear yard setback of four (4) feet is proposed; 4] Side Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a side yard setback of 16.8 feet is required and side yard setback of four (4) feet is proposed; 5] From City of Clifton Code Section 461-60.E in that parking shall not be permitted in the required front yard and parking in the required front yard is proposed; 6] From City of Clifton Code Section 461-60.F in that: “off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line and the proposed parking lot does not meet ten (10) feet on the rear property line at approximately one (1) feet and in the rear and side parking lot setbacks, and the proposed lot is also less than five (5) feet at the front yard setback requirement; 7] All setback areas shall be adequately landscaped; and 8] preliminary and final site plan approval with associated “c” and “d” variances; 9] Granting all other relief, waivers, variances, and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:

Variances for: 1] For site plan approval; 2] The Passaic City portion to be developed as a parking lot with a portion of the Ingress and egress into the property, and 3] Granting all other relief, waivers, variance and approvals that may be required or may be raised during the course of the hearing.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 15, 2023 meeting of the Board.

3. **EMB 561 LLC**, 561 Van Houten Ave., Block 43.04, Lot 8 – BC – Preliminary and Final site plan approval; use variance approval; bulk variances from Section 461-13 for pre-existing non-conformities consisting of minimum front yard and minimum side yard/each, which none of the pre-existing non-conformities are being increased or changed; and any other variance, waiver, or other relief, if necessary, from the requirements of the Clifton Zoning code to permit the Applicant to convert the existing mixed use building into a multi-family apartment dwelling consisting of 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 15, 2023 meeting of the Board.

4. **833 CLIFTON AVE PARTNERS, LLC**, 833 Clifton Avenue, Block 35.07, Lot 1 - BC– Preliminary and final site plan approval, use variance, bulk variances and exterior LED lighting. The applicant seeks approval to construct a 3-story residential apartment building containing 26 one-bedroom units. Any and all additional variances that may be required.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 15, 2023 meeting of the Board.

5. **MARK LASKY**, 822 Passaic Avenue, Block 81.01, Lot C6 – PD-HC – Bulk: 4,151 s.f. of minimum lot area where 40,000 s.f. is required; 43.04’ for minimum lot width where 200’ is required; 100’ of minimum lot depth where 200’ is required 45’ front yard setback where 50’ is required; 5’ rear yard where 50’ is required; Use: A private automobile garage where the permitted uses are only retail, services, office, financial, sit down restaurants and indoor recreation facilities; and such further and other variances and waivers as may become known.

At the request of the attorney for the applicant, this matter was continued by the Board until the February 1, 2023 meeting of the Board.

NEW HEARINGS

1. **ALI MUSA**, 11 Lennon Place, Block 53.02, Lot 35 – RA2- The applicant is proposing a 2nd floor balcony with a roof over an existing 1st floor bedroom which requires the following variance; rear yard setback proposed at 30' where 35' is required.

The applicant, residing at 11 Lennon Place, Clifton, New Jersey was present and sworn. Also present and sworn was the applicant’s representative, Adam Atiyen, residing in Hoboken, New Jersey. There were no objectors.

Mr. Atiyen explained that the application was for a variance for a rear yard setback to construct a second floor balcony. The balcony would extend over an existing bedroom in a previously constructed addition. The applicant previously applied for and received a variance for the one story addition, and the new balcony would remain within the building’s existing footprint.

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 Comr George Silva. Voting for approval were Comrs Zalman Gurkov, Comr. George Silva, Comr, Scott Sochon, Comr. Michael Molner, Comr. George Foukas, 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.

2. **Wael El-Zind**, 636 Van Houten Avenue, Block 37.01, Lot 17 – PD-2
Variances; - Applicant previously appeared before the board and was granted approval to build a rear one-story addition for storage. Applicant is back to amend the addition to include a second level with windows and exterior doors.

The applicant, residing at 16 Trella Terrace, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant previously applied for a rear setback variance for his Property at 636 Van Houten Avenue to construct a one story addition for storage. The applicant sought to amend his prior application to permit a second level addition. The applicant explained that footing, foundation, and slab were already constructed, but framing had not yet occurred as the amended application needed to be heard prior to framing.

After a review of the testimony, Comr Michael Molner moved to deny the application on the grounds that this amendment was an overuse and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice Chrmn Gerard Scorziello. Voting for denial were Comr, Scott Sochon, Comr. Michael Molner, Vice Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against denial were Comrs Zalman Gurkov, Comr. George Silva, and Comr. George Foukas. By a four to three vote, the motion carried and the application was denied 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. **THE 580 GROUP, LLC**, 790 Bloomfield Avenue, Block 56.07, Lots 15, 15.01-15.06, 23.01 – M-2 - The Applicant seeks preliminary and final site plan and conditional use approval, and use and/or expansion of a nonconforming use variance, conditional use variance, and bulk variance approval to construct a 14,578 SF warehouse addition with loading spaces to existing industrial/warehouse buildings with one (1) existing residential apartment located at the Property. In connection with the proposed addition, the Applicant requires the following variances, waivers, exceptions or other relief from the Zoning Code of the City of Clifton ("Code"): 1. Conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) for: a. location to a residential district within 100 feet; whereby +/- 60 ft. exists and +/- 60 ft. ft. are proposed; b. dwelling quarters for a watchman or caretaker as permitted in the B-A zone subject to the same standards where same is an existing condition and is proposed to continue. 2. To the extent deemed necessary, conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) and variance relief pursuant to N.J.S.A. 40:55D-70(c) for the following: a. whereby 159 parking spaces are required; 138 spaces are existing and 150 spaces are proposed; b. whereby minimum parking stall size required is 9' x 19', and 9' x 18' is existing and proposed; c. whereby a 5 ft. parking setback is required and 4.5 ft. is existing and proposed; d. whereby minimum rear yard setback as 15 ft. required, 2.28 ft. existing and proposed; e. whereby minimum side yard setback as 15 ft. is required, 0 ft. existing and proposed; f. whereby off street parking or loading spaces, parking aisles or maneuvering areas as same shall not be located within 10 ft. of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line, parking within 10 ft. is existing and proposed;

g. whereby all off-street parking areas having 10,000 or more square feet of paved area shall, in addition to the landscaping of the setback areas or buffer areas, provide landscaping for the interior parking lot areas at a minimum of 20 square feet of interior lot landscaping for each parking space, with a minimum landscape dimension of five feet by five feet and the parking area does not comply as existing or proposed. 3. To the extent necessary, the Applicant seeks a use variance, or expansion of a nonconforming use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) or (d)(2) to allow the addition which will be added to a mixed use, whereby no mixed residential use or residential-industrial use of a building is permitted in any zone (except as noted in Section 461-13.1K(b)). 4. This Notice shall also be deemed to include such other and further relief including any and all variances, waivers, exceptions, nonconforming conditions, or other relief from the Clifton Zoning and Site Plan Ordinances as the Zoning Board of Adjustment as shall be deemed necessary throughout the public hearings on this Application.

Jennifer Berardo, Esq., of Wells Jaworski and Liebman, LLP, with offices at 12 North Route 17, Paramus, New Jersey 0765, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Jeff Cupo, Managing Member of the applicant; Trevor Curtis of L2A Land Design LLC, 66 Grand Avenue, 2nd Floor, Englewood, New Jersey 07631, a civil engineer; John Buchholz of Buchholz Architects, 123 Columbia Turnpike, Suite 204, Florham Park, New Jersey, an architect; and Alexander Dougherty, of Dougherty Planning & Development, LLC, 54 Main Street, Chatham, New Jersey, a planner.

There were no objectors.

Ms. Berardo gave background on the application and stated that the property is an industrial warehouse with one residential unit. The applicant is seeking to add an additional industrial structure.

Mr. Cupo testified that he purchased the Property in 1985 and it has been used for equipment storage, manufacturing, and packaging ever since. He explained that there is one residential space where a nighttime employee lives periodically. He testified that the proposed use of the expansion was for an additional warehouse due to the growing needs from his existing tenants. He testified that his intent was not to increase the number of tenants but ensure that the current tenants remained. He testified that all tenants were responsible for their own trash which is usually stored inside. He testified regarding the frequency of deliveries, the size of trucks, and solar panels. He explained the site has been functioning for years and he has a good relationship with residential neighbors.

Comr. Foukas commented that the Board should take the applicant at his word and acknowledged the good relationship between the applicant and the community.

Mr. Curtis testified that the additional warehouse would be constructed in the Northwest portion of the property and that this section is currently compacted gravel.

Mr. Curtis offered the following exhibits:

Exhibit A-1 – Sheet C04- Overall Site Planning – Colorized Version

Exhibit A-2 – ES 01 – Turning Radius for Trucks

Mr. Curtis demonstrated that the dark brown area on Exhibit A-1 was the area to be developed. He explained that the building to be constructed is 14,578 sq ft and would be placed between Buildings identified as Building H, G, and C. He explained the goal was to connect the new building with existing buildings.

Mr. Curtis acknowledged the property was deficient by 9 spaces, but stated that the applicant would be restriping to ensure the efficiency of spaces.

Mr. Curtis testified as to the required variances for rear yard setback, side yard setback, and parking setbacks. He also testified about the property's stormwater retention system, utilities, lighting, the proposed doors, and ADA accessibility.

Mr. Curtis testified that truck traffic is low as the property is well managed, and that the property is situated in an industrial area. He also testified that the industrial area is separated from a residential area by a railroad.

Mr. Graviano raised a potential D3 variance issue, but explained that while there is a park within 0.5 miles of the site, the park is not on the same street so no D3 variance is required.

Mr. Curtis then provided further testimony regarding truck traffic. Comr Gurkov inquired as to fire truck accessibility. Mr. Curtis explained that there is no exit or entrance to the street from where the new building is proposed, but firetrucks could easily access the property.

Mr. Kurus asked if the applicant was satisfying County requirements, and Mr. Curtis testified that the applicant was meeting with the County to discuss comments. All comments would be complied with to the extent they are required by the County and any resubmission would be provided to Neglia.

Mr. Buchholz testified that the plans were created to ensure the property would be the right size to fit in the property and provide the tenants with necessary space. He testified that the building was carved to have loading practicality while complying with property lines. He discussed roof heights, entrances, and the colors of the building. He stated that the building would be painted green to match the remaining portions of the complex and that the property was not visible from the street.

Comr. Molner asked about the residents behind the complex. Mr. Buchholz explained that measures would be taken to reduce any noise impact to the residents and noisy units would be placed toward the interior of the site as far away from residents as possible.

Mr. Dougherty testified that he reviewed the zoning ordinances and master plan prior to completing work on the Application. He explained that the Application met all tests for the required variances. The addition would improve overall operations, increase solar supports of the community, and carry forward all previous positive impacts. He explained that the rear and side yard setbacks continue to provide adequate separation from residential area. He testified that the addition would not change anything about the Property's existing use.

Mr. Dougherty offered the following exhibits:
Exhibit A-3 – Drone Photos

Mr. Dougherty demonstrated the separation between the proposed building and the overall property, which included approximately 60 feet of space. He acknowledged the existence of the railroad as well as a white privacy fence.

Mr. Graviano stated that a condition of approval should be that the architect work with his office to ensure that the façade is appropriate. He explained that there is insufficient vegetation on the railroad track to obscure the property from view.

Ms. Berardo gave a closing statement. She stated that the property was industrial warehouse site in existence for over 70 years and purpose of addition is to allow existing tenants to grow and expand. She explained that the addition would not impact the neighborhood or the zone plan.

The Comrs discussed the addition of stipulations including that the applicant would work with Mr. Graviano's office to ensure camouflage of the building's façade as well as follow the recommendations issued by Neglia Engineering.

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 Scott Sochon. Voting for approval were Comrs Zalman Gurkov, Comr. George Silva, Comr, Scott Sochon, Comr. Michael Molner, Comr. George Foukas, 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.

RESOLUTIONS

1. Upon motion made by Comr. George Foukas, seconded by Comr. George Silva, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution Granting the application of DOUGLAS & LISA SMITH for a second story addition at 133 Pershing Road, Block 41.12, Lot 15 was adopted.

2. Upon motion made by Comr. Zalman Gurkov, seconded by Comr. George Silva, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of CLIFTON ADULT OPPORTUNITY CENTER for an amended final site plan following the Historic Preservation Office's requirement to change the roof style at 900 Clifton Ave, Block 35.01, Lot 2 was adopted.

3. Upon motion made by Comr. George Foukas, seconded by Comr. George Silva, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of MIKHAIL KRESLAVSKIY for a one-story addition at 632 Bloomfield Ave, Block 50.06, Lot 15 was adopted.

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr. George Silva, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of WAEL ABDELSALAM for a variance for a rear yard setback due to an already built deck at 67 Donna Drive, Block 47.05, Lot 27 was adopted.

5. Upon motion made by Comr Scott Sochon, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of DANIEL AND RACHEL BESSER to increase the size of an existing deck at 126 Allwood Place, Block 50.09, Lot 38 was adopted.

6. Upon motion made by Comr. Zalman Gurkov, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs. Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution Granting the application of MESVITA OF CLIFTON, INC. for relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision necessary for approval of the application to demolish existing buildings, to replace these buildings with one two-story building consisting of classrooms and school facilities, to expand the existing school dormitory, and to consolidate all of the lots located at 294 Main Avenue, Block 59.10, Lot 1, 3, 29 and 30 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,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF JANUARY 18, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALI MUSA
for premises known as: 11 Lennon Place, Block 53.02, Lot 35
be and the same is hereby: GRANTED a rear yard setback variance**

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 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 a rear yard setback variance of 30' where 35' is required to construct a second floor balcony with a roof over an existing first floor bedroom for premises located at 11 Lennon Place, Block 53.02, Lot 35; and

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

- a. The applicant proposes to construct a second floor balcony with a roof over an existing first floor bedroom which proposes a rear yard setback variance at 30' where 35' is required; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. 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 to provide a rear yard setback variance of 30' where 35' is required to permit the applicant to construct a second floor balcony with a roof over an existing first floor bedroom at premises located at 11 Lennon Place, Block 53.02, Lot 35, is hereby approved and the variance for rear yard setback is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

MEETING OF JANUARY 18, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **Wael El-Zind**
for premises known as: **636 Van Houten Avenue, Block 37.01, Lot 17**
be and the same is hereby: **DENIED** a request to amend a prior application for a variance.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant previously applied for a rear setback variance to construct a one story addition for storage for his Property at 636 Van Houten Avenue, Block 37.01, Lot 17; and

WHEREAS, the applicant sought to amend his prior application to permit a second level addition; and

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

a. The applicant previously came before the Board to request variances to permit a one story addition for storage at 636 Van Houten Avenue, Block 37.01, Lot 17; and

b. The Board previously granted that application; and

c. The applicant has returned to the Board to request an amendment to his prior application; and

d. The amendment seeks to add a second story addition in addition to the prior variances; and

e. The applicant has failed to show sufficient hardship to justify the grant of the amendment requested;

f. The proposed amendment represents a gross overuse of the premises; 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 that the proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood due to the overuse;

NOW THEREFORE, BE IT RESOLVED that the application to amend the prior application and permit a second story addition on premises located at 636 Van Houten Avenue, Block 3701, Lot 17, be and the same is hereby disapproved and the amendment request as aforesaid is hereby denied.

Resolution moved by: Comr MICHAEL MOLNER
Seconded by: Vice Chrmn GERARD SCORZIELLO
Affirmed by: Comrs Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF JANUARY 18, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **THE 580 GROUP, LLC** for premises known as: **790 Bloomfield Avenue, Block 56.07, Lots 15, 15.01-15.06, 23.01** be and the same is hereby: **GRANTED** the request for preliminary and final site plan and conditional use approval, use and/or expansion of a non-conforming use variance, conditional use variance, and bulk variances.

Testimony concerning the aforesaid application was taken by the Board at its meeting on January 18, 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 and conditional use approval, use and/or expansion of a non-conforming use variance, conditional use variance, and bulk variances to construct a 14,578 sq ft warehouse addition with loading spaces to existing industrial / warehouse buildings; and

WHEEREAS, the Board has received the following reports:

- a. Engineering Review No. 1 of Neglia Engineering Associates dated January 10, 2023; and
- b. Planning Review No. 1 of Graviano & Gillis Architects & Planners, LLC dated January 17, 2023; and

WHEREAS, the Board has heard testimony from the applicant's experts as follows:

- a. Trevor Curtis, PE, who testified as a civil engineer about the area to be developed, required variances and setbacks, and truck traffic; and
- b. John Buchholz, who testified as an architect about the size and shape of the property, roof heights, colors, and noise impact to residents; and
- c. Alexander Dougherty, MCRP, PP, AICP, who testified as a planner about the satisfaction of all tests for variances, solar supports, overall operations, and separation from residential areas; and

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

- a. The applicant proposes to construct a 14,578 sq ft warehouse addition with loading spaces to existing industrial / warehouse buildings; and
- b. Such construction requires preliminary and final site plan and conditional use approval, use and/or expansion of a non-conforming use variance, conditional use variance, and bulk variances; and
- c. The proposed use will not increase the number of tenants or expand the current use of the Property other than to provide additional storage to existing tenants; and
- d. The proposed addition will be constructed so as to fit in with the existing buildings on the Property; and
- e. The applicant has stipulated that:
 - i. The applicant will work with Graviano & Gillis Architects & Planners to ensure façade compliance and appropriateness; and

ii. The applicant will follow the recommendations issued by Neglia Engineering in its report; and

f. The applicant has shown sufficient hardship to justify the grant of the items requested;

c. 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 and conditional use approval, use and/or expansion of a non-conforming use variance, conditional use variance, and bulk variances to construct a 14,578 sq ft warehouse addition with loading spaces to existing industrial / warehouse buildings located at 790 Bloomfield Avenue, Block 56.07, Lots 15, 15.01-15.06, 23.01, be and the same is hereby approved and the variance for fence height be and the same is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of 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 required 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 SCOTT SOCHON
Affirmed by: Comrs Zalman Gurkov, George Silva, Scott Sochon, Michael Molner, George Foukas, Vice Chmrn Gerard Scorziello and Chrmn Mark Zecchino.