

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, February 5, 2020. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR GEORGE FOUKAS.

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 15, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED 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.

Gregory Mascera, Esq., with offices at 10 South Prospect Street, Verona, New Jersey, appeared on behalf of the applicant. Present and sworn were Michael Pronesti, PLS, with offices at 870 Pompton Avenue, Cedar Grove, New Jersey, a surveyor; William R. Argandona of 55 Sherman Place, Clifton, New Jersey, the operator of the cleaning establishment; and Renee Keely, the daughter of the deceased, Raymond Sikorsky. There were no objectors.

Mr. Mascera stated that the applicant proposes to occupy the site with an outdoor parking of commercial vehicles used in the operation of a commercial cleaning business; that a D-1 use variance is required; that the Board previously granted a use variance on February 19, 1997, to operate a Rider Truck Rental facility and an auto repair business; that the proposed use of the property is particularly suited; that the site is irregular in shape; that the property has been used for commercial purposes for 50 years; that the use is consistent with the Master Plan—namely, Goal 6, which encourages reuse of commercial structures as appropriate non-residential uses in order to maintain a balance of land uses.

Renee Keely testified that she agrees with all the statements made by the attorney.

Mr. Argandona testified that he operates a commercial cleaning service; that the proposal is for office and parking of up to seven vehicles at the site; that there will be no Ryder trucks or repair of motor vehicles; that the hours of operation are from Monday through Friday 8 A.M. to 4 P.M.; that he requests that a 6-foot-high fence be permitted for security purposes.

Michael Pronesti testified as a surveyor and indicated where the parking spaces for the vehicles would be and the irregular shape of the property.

The Board did receive into evidence two exhibits:

“A-1” which are photographs of the trucks used in connection with the operation of the business; and

“A-2” is a survey of the premises.

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 with the stipulation that there be no more than seven vehicles parked at the site and there would be no leasing of Ryder trucks or auto repair business at the site. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, 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.

2. **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.

This matter was previously continued by the Board until the March 4, 2020, meeting of the Board.

NEW HEARINGS

1. JULIO & ALICIA MUNOZ, 198 Mt. View Dr.,
Variances Block 27.03, Lot 45 – RA2 – Applicant proposes to build a second floor addition over the existing garage and add a second floor deck. Variances are requested for rear yard setback, 21' proposed and 35' required. Street side yard setback proposed at 16.5' and 20' required.

Julio Munoz, residing at 198 Mountain View Drive, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a second floor addition over the existing garage and add a second floor deck at the subject premises; that the proposal requires variances; that the rear yard setback requirement is 35 feet, and he is proposing 21 feet; that the side yard street setback is 20 feet, and he is proposing 16.5 feet.

After a review of the testimony, Comr Roy Noonburg 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 Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, 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.

2. DOVID LISKER, 55 Ravona Street, Block 58.13,
Variances Lot 58 – RA3 – Applicant proposes a two-story
addition. The following variances are requested:
1) Lot coverage proposed at 34.4% where 27%
is permitted.
2) Combined side yards proposed at 11.8' where
16' is required.
3) Right side yard proposed at 4.5' where 6' is
required.
4) Variance was granted 6/20/12 for a 20'
front yard and 19.7' is now proposed.

The applicant and his wife, residing at 55 Ravona Street, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

The applicant testified that he requests variance approval for a two-story addition at the subject premises; that the variances requested are as follows: a) lot coverage proposed at 34.4 percent where 27 percent is permitted; b) combined side yards proposed at 11.8 feet where 16 feet is required; and c) right side yard setback proposed at 4.5 feet where 6 feet is required; that a variance was previously granted by the Board on June 20, 2012, for a 20 foot front yard setback, and the applicant is now seeking a 19.7 foot front yard setback.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant to application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variances requested. The motion was seconded by Comr Daniel Trenk. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, 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.

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Scott Sochon, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of GHOST HAWK BREWING COMPANY LLC for 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 at 321 River Road, Unit 6, Block 73.03, Lot 54, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF FEBRUARY 5, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ESTATE OF RAYMOND SIKORSKY for premises known as: 872 Grove Street, Block 74.10, Lot 21 be and the same is hereby: GRANTED use variance to permit a commercial cleaning business use for general office purposes and for parking of commercial vehicles in the operation of the business.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 5, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance approval to conduct a commercial cleaning business at premises located at 872 Grove Street, Block 74.10, Lot 21, which premises are located in an RA4 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 on February 19, 1997, to operate a Ryder Truck rental facility and an auto repair business;
- b. The applicant now proposes to conduct a commercial cleaning business at the site which will house general office and parking for seven commercial vehicles used in the operation of the business;
- c. The property is particularly suited for the proposed use since it is located adjacent to a cemetery;
- d. The property has been utilized for commercial purposes for the past 50 years;
- e. Based upon the testimony of the applicant's expert, the site is irregular in shape and there will be no more than seven vehicles parked at the site;
- f. The applicant proposes a 6-foot-high fence which will comply with the Zone Ordinance and be approved by the Zoning Officer;
- g. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- h. The proposed use is less intense than the previously permitted use which was conducted at the site;
- i. The benefit 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 since it is consistent with Goal 6 of the Master Plan which encourages reuse of commercial structure as appropriate non-residential uses in order to maintain a balance of land uses; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a use variance to permit the property to be utilized by a commercial cleaning business for general office purposes and for parking commercial vehicles at premises located at 872 Grove Street, Block 74.10, Lot 21, be and the same are hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and **subject to the following:**

A. THAT THERE BE NO MORE THAN SEVEN (7) VEHICLES PARKED AT THE SITE AS SET FORTH ON THE SURVEY;

B. THAT THERE BE NO RENTAL OF RYDER TRUCKS OR AUTO REPAIR BUSINESS CONDUCTED AT THE SITE;

C. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL, IF REQUIRED; 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF FEBRUARY 5, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JULIO & ALICIA MUNOZ for premises known as: 198 Mt. View Drive, Block 27.03, Lot 45 be and the same is hereby: GRANTED rear yard setback and street side yard setback variances for a second floor addition and a second floor deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 5, 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 Roy Noonburg moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to build a second floor addition over the existing garage and add a second floor deck at premises located at 198 Mt. View Drive, Block 27.03, Lot 45, which premises are located in an RA2 zone; and

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

- a. The applicant proposes a second floor addition over the existing garage and a second floor deck at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 21 feet;
- c. The street side yard setback requirement is 20 feet, and the applicant is proposing 16.5 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a second floor addition over the existing garage and add a second floor deck at premises located at 198 Mt. View Drive, Block 27.03, Lot 45, be and the same are hereby approved and the rear yard setback variance and street side yard setback variance 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 ROY NOONBURG.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 5, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DOVID LISKER for premises known as: 55 Ravona Street, Block 58.13, Lot 58 be and the same is hereby: GRANTED lot coverage, combined side yards, right side yard, and front yard setback variances for a two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 5, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid to build a two-story addition at premises located at 55 Ravona Street, Block 58.13, Lot 58, 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 two-story addition at the subject premises;
- b. The lot coverage proposed is 34.4 percent where 27 percent is permitted;
- c. The combined side yard setback is proposed at 11.8 feet where 16 feet is required;
- d. The right side yard setback is proposed at 4.5 feet where 6 feet is required;
- e. The front yard setback is presently 20 feet, and the applicant is proposing 19.7 feet;
- 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 two-story addition 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 two-story addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a two-story addition at premises located at 55 Ravona Street, Block 58.13, Lot 58, be and the same are hereby approved and the variances for lot coverage, combined side yards, right side yard, and front yard setback 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 VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr DANIEL TRENK.

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