

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 6, 2019. 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 (arrived at 7:35 PM), 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 16, 2019, regular meeting was adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **CLIFTON CHEDER**, 1333 Broad Street, Block 76.01, Lot 5 – B-A – The Applicant
Use seeks preliminary and final site plan
Variance; approval and a (D)(3) conditional use
Variances variance for a private elementary school
in the B-A Zone District. The following
conditions of the conditional use are not
being met and require variances as
follows:
With respect to the lot width, pursuant to
Section 461-27, a lot width of 150 ft. is
required and 133 ft. is existing and proposed.
With respect to the maximum lot coverage,
pursuant to Section 461-27, 20% is the
maximum permitted and 24.74% existing
and proposed.
With respect to the minimum side yard,
20 ft. for one (1) and 40 ft. for both,
pursuant to Section 461-27 is required,
and 18.87 ft. for one (1) and 42.74 ft.
for both is existing and proposed.
This application to the Board of Adjustment
is being made for a (D)(3) conditional use
variance for a private elementary school
and noticed to the public pursuant to
N.J.S.A.40:55(D)(3).

The Applicant will also request such other variances, waivers, and interpretations as may be required which may arise during the course of the public hearing or at the request of the Board of Adjustment. The Application, Plans and papers in connection with the Application are available for public inspection at the Zoning Division of the City of Clifton, Clifton, New Jersey, between the hours of 9 A.M. and 3 P.M. Any interested party may appear at said hearing and participate therein in accordance with the rules of the Board of Adjustment.

Stephen A. Geffner, Esq., of Schenck Price Smith & King, LLP, with offices at 220 Park Avenue, Florham Park, New Jersey, appeared on behalf of the applicant. Mitchell W. Abrahams, Esq., of Cole Schotz, with offices at 25 Main Street, Hackensack, New Jersey, appeared on behalf of objector Banker's Financial Corp.

The following individuals appeared in favor of the application: Bina Zarkhin, 61 The Circle, Passaic, NJ; Isaac Kagan, 551 Passaic Ave., Clifton, NJ; Aliza Zidell, 1380 North Ave. #422, Eliz., NJ; Alexandra Friezman, 128 Blvd. #15, Passaic, NJ; Yosef Seldowitz, 115 Lafayette Ave., Passaic, NJ; Kenneth Rosen, 540 Fenlon Blvd., Clifton; Yaucov Shalom, 35 Green Ct., Passaic, NJ 07055; Gary Klotzky, 43 Hampton Rd., Clifton, NJ 07012; Mark Zarkhin, 61 The Circle, Passaic, NJ; Tania Wolf, 9 Garfield Avenue, Clifton, NJ; Chanania Orent, 176 Patricia Place, Clifton, NJ 07012; Yeshaya Orent, 176 Patricia Pl., Clifton, NJ 07012; Miriam Orent, 176 Patricia Place, Clifton, NJ 07012; Aliza Bloom, 6 Conover Ct., Clifton, NJ 07012; Avraham Baruchov, 30 Allwood Pl., Clifton, NJ 07012; Buruch Cheri Baruchov, 30 Allwood Pl., Clifton, NJ 07012; Daniel Strimbev, 566 Passaic Ave., Clifton; Tuvia Liberman, 483 S. Parkway, Clifton 07014; Mendy Schechter, 12 Miller Court, Clifton, NJ 07012; David Gross, 42 West Parkway, Clifton, NJ 07014; Elchanan Coh, 30 Annabelle Ave., Clifton, NJ 07012; Elchanon Gelb, 126 Van Houten Ave., Passaic, NJ; and Chava Kagan, 557 Passaic Ave., Clifton, NJ. (Names appear as handwritten on sign-in sheet.)

The following individuals appeared in opposition to the application, some of whom were sworn to give testimony: Emilia Soltis, 224 Haddenfield Rd.; Beverly Carey, 142 Chittenden Rd.; Kamil Goybulak, 7 Anderson Drive; Faruk Apayoin, 1302 Broad St.; Steven D'Anthony, 27 Wester Pl.; Debbie D'Anthony, 27 Wester Pl.; Patricia Zalesny, 40 Notch Rd.; Joseph Zalesny, 40 Notch Rd.; Carol Pruzansky, 47 Vincent Dr.; Rosmunda Kenning, 235 Haddenfield Rd.; Ray Robertello, 66 Woodlawn Ave.; Aaron Liechenstein, 14 Bogert Pl.; Dawn Miller, 49 Haddenfield Rd.; Cathie Murtha, 32 Bogert Pl.; Rita Frank, 21 Fair Hill Rd.; Thomas Davey, 5 Janice Terrace; John Labriola, 200 Chittenden Rd.; Jeannie Labriola, 200 Chittenden Road; Jeffrey J. Labriola, 200 Chittenden Rd.; Jean Labriola, 200 Chittenden Rd.; Darron Koster, Vincent Dr.; Caitlin White, Vincent Dr.; Michael Leach, 185 Chittenden; Don Warren, 16 Walsh Ct.; Larry Zahn, 73 Bogert Pl.; Nancy Swaluk, 20 Chanda Ct.; Fran Warren, 15 Walsh Ct.; Emily Diamond, 14 Walsh Ct.; Chetna Naik, 21 Wester Place; Michael J. McCarthy, 172 Chittenden Rd.; Gail Smith-McCarthy, 172 Chittenden Rd.; and Vivian Semeraro, 6 Walsh Ct. (Names appear as handwritten on sign-in sheet.)

This is a continued hearing from the meetings of May 9, 2018, July 25, 2018, September 5, 2018, September 26, 2018, and November 7, 2018.

Present and sworn on behalf of the applicant was Hal Simoff of 2 Shunpike Road, Madison, New Jersey.

Mr. Simoff testified as a Traffic Expert, and his credentials were accepted by the Board with no objection from the applicant's counsel. Mr. Simoff stated that he

prepared a Memo dated July 12, 2018, which addressed the traffic circulation and impact of the conversion of the existing office building to a school proposed for 305 students at 1333 Broad Street; that he performed multiple site inspections; conducted traffic counts at the site; prepared capacity analysis of the proposed exit driveway; that he reviewed site plan and architectural plans submitted by the applicant; and he reviewed the report of the applicant's traffic expert, Dynamic Engineering, dated December 22, 2016, February 13, 2017, April 27, 2017, and October 30, 2017.

Mr. Simoff testified as to the existing conditions at the site; that his analysis shows that the existing traffic counts prepared by applicant's traffic expert are under stated; that the assumptions made by the applicant's traffic expert are inaccurate; that the proposed parent drop off does not work; that there is no proposal for drop off for a day care center; that the height between the two buildings where the parents drop off the students is 6 feet 5 inches, not 6 feet 11 inches as noted on the site plan; that this difference may preclude many SUVs and mini vans from using the drop off; that the play area does not provide a safe route for children to walk between the building and play area; that deliveries and trash pickups cannot access the rear of the site; that there is limited stacking room for pick up and drop off; that he has reviewed the Passaic County Planning Board report which approved the application; that in his opinion, the conversion of the office building to a school is problematic; that the internal circulation does not provide for pedestrian safety and efficient vehicular circulation; that the proposed school will intensify the use of the property and create substandard levels of service at the driveway to Broad Street.

As a rebuttal witness, Joseph Staiger of Dynamic Traffic testified that there are two arrival periods, one at 7:40 A.M. and the other at 8:40 A.M.; that there are three dismissal times, one at 3 P.M., one at 4 P.M., and one at 5 P.M.; that in his reports of April 2017 and October of 2017, the traffic counts of volume are accurate; that the gaps of 5.1 and 5.3 show level service "E" which is acceptable; that there will be 110 arrivals at the maximum in a 20 minute period.

There was some suggestion from the Board for a police officer to conduct traffic during the AM and PM periods of time.

In response to questions raised by Aaron Liechenstein of 14 Bogert Place; Beverly Carey of 142 Chittenden Road; Ray Robertello of 66 Woodlawn Avenue; Emilia Soltis of 224 Haddenfield Rd.; Faruk Apayoin of 1302 Broad Street; Jeffrey Labriola of 200 Chittenden Road; Vivian Semeraro of 6 Walsh Court, and Jean Labriola of 200 Chittenden Road, Mr. Staiger stated that he took into consideration future projections of traffic in the area; that the number of parking spaces at the site is 71; that the left turns from Allwood Road to the site is adequate; that the backup of vehicles on Chittenden Road entering Broad Street may be accommodated by the gaps in traffic.

Offered into evidence marked "O2A" and "O2B" were two photographs taken by Jean Labriola showing the back up of vehicles on Chittenden Road entering Broad Street.

At this point in the hearing, Chrmn Zecchino continued the matter until the March 6, 2019, meeting of the Board and requested legal memorandums from both counsel setting forth all findings of fact as to why the application should be approved or denied, any stipulations from the applicants, and any legal precedents concerning their respective positions. Chrmn Zecchino also indicated that they should research the issue of the meaning of "parochial" as set forth in Chapter 461, Article XI where the word "private school" is defined as "an elementary or intermediate school other than a parochial school..."

Thereupon, the matter was continued to the March 6, 2019, meeting of the Board.

NEW HEARINGS

1. **ALFREDO MANCHEGO**, 169 Livingston Street,
Variance Block 27.01, Lot 8 – RA2 – Applicant proposes
to install an above ground swimming pool in the
right side yard. Pool is required to be 60' from
the front lot line and a 31' setback is proposed.

The applicant, residing at 169 Livingston Street, Clifton, New Jersey, was present and sworn. There was one objector, Nicholas DeStefano, of 1 Livingston Street, Clifton, New Jersey.

The applicant testified that he requests variance approval to install an above ground swimming pool in the right side yard of the subject premises; that the pool is required to be 60 feet from the front lot line, and the applicant is proposing 31 feet; that the lot is an irregular-shaped piece of property which causes the hardship; that he is unable to install the pool in the rear of the premises.

Mr. DeStefano, the neighbor closest to the premises, testified that he is concerned about the devaluation of his property due to the location of the swimming pool.

After a review of the testimony, Comr Daniel Trenk moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, 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. **OZF ALLETTE**, 206 Trenton Avenue, Block 5.13,
Variance Lot 9 – RB1 – Applicant proposes to install a
driveway on the left front yard of the property.
A variance is required for the driveway proposed
at 0' from the left side lot line where 5' is
required.

The applicant, residing at 206 Trenton Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to install a driveway on the left front yard of the premises in question; that the side yard requirement is 5 feet; that he is proposing 0 feet; that the driveway will be in front of the house not serving a garage; that the purpose of the driveway is to remove two cars from the street.

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 Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, 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.

RESOLUTIONS

Chrmn Mark Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MICHAEL RODRIGUEZ for left side yard setback variance to widen an existing driveway at 31 Greglawn Drive, Block 40.04, Lot 10, was adopted. RA2

2. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DINESH MULLOTH for variance approval for an attached garage and second story addition at 53 Tristan Road, Block 26.11, Lot 1, was adopted. RA3

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of TARA BUGG for variance approval to raise the roof of the subject premises to make the attic a half story at 28 Major Street, Block 43.02, Lot 18, was adopted. RB2

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Roy Noonburg, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DEENA COHN for rear addition and second floor over existing home at 17 Rosemawr Place, Block 50.09, Lot 1, was adopted. RA2

5. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ESTEE & ARI GROSS for variance approval for a rear two-story addition to existing home at 38 Woodward Avenue & Virginia, Block 50.09, Lot 7, was adopted. RA2

6. Upon motion made by Comr Louis DeStefano, seconded by Comr Roy Noonburg, and affirmed by Comrs Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LAURITANO LANDSCAPING for use variance for storage of landscape materials, equipment and storage of roll-off boxes at 750 Bloomfield Avenue and further a use variance for parking of buses on both 28 and 38 Somerset Place, Block 49.11, Lot 30, 69, and 70, was adopted. M-2

2018 ANNUAL REPORT

Chrmn Zecchino announced that the next order of business would be the adoption of the 2018 Annual Report prepared by the Board's Planner, Gregory Associates.

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the 2018 Annual Report for the Clifton Zoning Board of Adjustment prepared by Gregory Associates, LLC, was adopted, and the Counsel Secretary was instructed to prepare the proper Resolution and forward said report to the

Governing Body of the City of Clifton and the Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

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 6, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ALFREDO MANCHEGO for premises known as: 169 Livingston Street, Block 27.01, Lot 8 be and the same is hereby: GRANTED variance to install an above ground swimming pool in the right side yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 6, 2019. 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 Daniel Trenk moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to install an above-ground swimming pool in the right side yard at premises located at 169 Livingston Street, Block 27.01, Lot 8, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to install an above ground swimming pool in the right side yard of the subject premises which is an irregular-shaped lot;
- b. The required setback requirement is 60 feet from the front lot line;
- c. The applicant proposes a 31 foot setback due to the irregular shape of the property;
- d. The applicant's hardship is the irregular shape of the property which does not permit the installation of the swimming pool in the rear of the premises;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since there is sufficient distance from the property to the objector's residence;

NOW THEREFORE, BE IT RESOLVED that the application to install an above ground swimming pool in the right side yard at premises located at 169 Livingston Street, Block 27.01, Lot 8, be and the same is hereby approved and the 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:

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, or as amended.

Resolution moved by: Comr Daniel Trenk.
Seconded by: Comr Michael Molner.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, and Chrmn Mark Zecchino.

MEETING OF FEBRUARY 6, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: OZ F. ALLETTE for premises known as: 206 Trenton Avenue, Block 5.13, Lot 9 be and the same is hereby: GRANTED a side yard setback variance to install a driveway in the left front yard.

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 6, 2019. 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 variance approval as aforesaid to install a driveway on the left front yard of the premises located at 206 Trenton Avenue, Block 5.13, Lot 9, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to install a driveway on the left front yard of the subject premises in front of the house not serving a garage;
- b. The required setback is 5 feet;
- c. The applicant proposes 0 feet;
- d. The purpose is to remove two vehicles from the street into the driveway;
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to install a driveway at premises located at 206 Trenton Avenue, Block 5.13, Lot 9, be and the same is hereby approved and the side yard setback variance and variance for a driveway not serving a garage 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 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, or as amended.

Resolution moved by: Comr Michael Molner.

Seconded by: Comr Scott Sochon.

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

**RESOLUTION
OF
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON**

WHEREAS, the Board of Adjustment of the City of Clifton is required by law to conduct an Annual Report which reviews its decisions on applications heard during the past year; and

WHEREAS, the Board of Adjustment did authorize Gregory Associates, LLC, Kathryn M. Gregory, AICP, PP, NJ Professional Planner, to prepare such report; and

WHEREAS, Kathryn M. Gregory, AICP, PP, did make her recommendations on Page No. 6 of the report (not dated) for the calendar year 2018, which is attached hereto and made a part hereof; and

WHEREAS, the Board of Adjustment of the City of Clifton did review the 2018 Annual Report, and said Board of Adjustment concurs with the recommendations of Kathryn M. Gregory, AICP, PP, NJ Professional Planner, for zoning, ordinances, amendments or revisions; and

NOW THEREFORE, BE IT RESOLVED that the Annual Report prepared by Kathryn M. Gregory, AICP, PP, NJ Professional Planner, be and the same is hereby adopted and that same shall be forwarded to the Governing Body of the City of Clifton and Planning Board of the City of Clifton in accordance with N.J.S.A. 40:55D-70.1.

MEETING OF FEBRUARY 6, 2019.

MOVED BY: COMR LOUIS DE STEFANO.

SECONDED BY: COMR SCOTT SOCHON.

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