

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 20, 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, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

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 Daniel Trenk, seconded by Comr Louis DeStefano, the Minutes of the February 6, 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.

This matter was previously continued by the Board to the March 6, 2019, meeting of the Board.

**NEW HEARINGS**

1. **Variance**            **BASEM HAMEID**, 24 Janice Terrace, Block 75.02, Lot 30 – RA1 – Applicant proposes to build a rear yard deck and the following variance is requested:  
1) Rear yard proposed at 15’ where 35’ is required.

The applicant, residing at 24 Janice Terrace, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a rear yard deck at the subject premises; that the rear yard setback requirement is 35 feet, and he is proposing 15 feet; that his property is irregular in shape which is the hardship that requires the request for the variance.

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

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

2. **Variations**            **ZEV & SHELLY LOB**, 145 Patricia Place, Block 71.04, Lot 15 – RA3 – Applicant proposes a second floor addition and a rear addition and deck. The following variations are requested:  
1) Right side yard proposed at 5’ where 6’ is required.  
2) Left side yard proposed at 4’11” where 6’ is required.  
3) Combined side yards proposed at 9’11” where 16’ is required.  
4) Lot coverage proposed at 34% where a maximum of 27% is permitted.

The applicants, residing at 145 Patricia Place, were affirmed to give testimony. There were no objectors.

Comr DeStefano excused himself from participating in the matter, and Comr Sochon sat in his place and stead.

Zev Lob testified that approval is requested for a second floor addition and a rear addition and deck at the subject premises; that the proposal requests variances for right side yard where 6 feet is required and 5 feet is proposed; that a left side yard setback variance is required where 6 feet is required and 4 feet 11 inches is proposed; that the combined side yards will require a variance where 16 feet is required and 9 feet 11 inches is proposed; that the maximum lot coverage permitted is 27 percent, and the applicant is proposing 34 percent; that the proposal is similar to the immediate neighbor and other properties in the neighborhood; that the variances are a result of pre-existing conditions.

After a review of the testimony, Comr George Foukas 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 Roy Noonburg. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Daniel Trenk, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3. **MARIA BONIFACIO**, 459 Highland Avenue, Block 21.05, Lot 1 – RB2 – Applicant proposes an open pergola, already built, in the back yard. The following variances are required:
- 1) Street side yard setback proposed at 4' where 25' is required.
  - 2) Lot coverage proposed at 36% where 27% is permitted.

The applicant, residing at 459 Highland Avenue, was present and sworn. There were no objectors.

The applicant testified that she requests variance approval for an open pergola which has already been built in the back yard; that the lot in question is a narrow lot, and she is seeking variances for street side yard setback where 25 feet is required and 4 feet is proposed; that the lot coverage permitted is 27 percent, and the applicant is seeking 36 percent; that the pergola is located on the concrete patio.

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 of the variances requested. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

4. **LIDIE MERCADO**, 616 Van Houten Avenue, Block 37.02, Lot 34 – B-C – Applicant proposes to operate a café at the site which is a conditional use. The following variances are

requested:

1) A conditional use variance is required as the existing building does not meet the district bulk requirements. No expansion or addition is proposed.

2) A waiver for the site plan approval requirement is requested as no changes are proposed to the exterior of the building or the lot.

The applicant, residing at 122 Old Hoboken Road, Hackensack, New Jersey, was present and sworn. There were no objectors.

The applicant stated that she requests approval to operate a café at the site in question; that a conditional use variance is required since the building does not meet the district bulk requirements; that she does not plan any expansion or addition; that she is requesting a waiver for the site plan approval since there are no changes to the exterior of the building or the lot; that she intends to operate the café Monday through Saturday from 7 A.M. to 8 P.M.; that there is sufficient off street parking at the site.

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

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

5. **RAHMOUN BADEREDIN A/K/A BADER RAHMOUN,**  
Variances 16 Lindale Court, Block 41.01, Lot 53 – RA3 –  
Variances required for a driveway expansion already  
in place:

1) Driveway proposed at 0' from the left side yard  
where 5' is required.

2) Driveway extends 4.5' into the front of the house  
in an area not serving a garage.

The applicant, residing at 16 Lindale Court, and his son were present and sworn. There were two objectors: Dhara Wilson, 12 Lindale Court, Clifton, NJ 07013; and Paresh Patel, 12 Lindale Ct., Clifton 07013 (names are typed from hand-written sign-in sheet).

The applicant testified that he requests variances for a driveway expansion already in place; that the driveway is 0 feet from the left side yard where 5 feet is required; that the driveway will also extend 4.5 feet into the front of the house in an area not serving a garage. The applicant further testified that the driveway is required to accommodate the needs of a handicap child.

Offered into evidence on behalf of the applicant were the following:

“A-1” is a letter dated July 30, 2018, from NJEDDA Elementary School; and

“A-2” is a letter dated August 1, 2018, from Children of Joy Pediatrics, PC,  
concerning the disability of the child; and

“A-3” a photo of the premises in question showing the driveway.

Objector Dhara Wilson read into the record a communication from Frederic C. Goetz, Esq., dated February 20, 2019, setting forth the objectors' objections to the application.

Paresh Patel objected to the application stating that the proposal is right on his property line; that it will prevent his right to install a fence or shrubbery; that he has difficulty cutting his grass. Offered into evidence were the following exhibits on behalf of the objector:

"O-1" three photos of the pavement on the left side;

"O-2" five photos of the old driveway;

"O-3" four photos taken showing parking of used cars; and

"O-4" photo of used cars in the driveway.

In response, the applicant testified that he is not selling used cars at the site; that the purpose of the driveway is for his handicap child; that they have two cars at the premises.

After discussion by the Board members, Vice-Chrmn Gerard Scorziello moved to approve the application with the stipulation that the applicant move the driveway 4½ feet even with the garage and extending the driveway towards the steps in front of the house with no curb cuts and removing 4½ feet away from the left side. The motion was seconded by Comr Roy Noonburg. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

6. **NATHAM & EMILY KAMELHAR, 57 Allwood Place, Block 57.05, Lot 2 – RA3 – Applicant proposes to demolish the existing home and construct a new single family home. The following variances are requested:**
- 1) Combined side yards proposed at 13' where a minimum of 16' is required.
  - 2) Lot coverage proposed at 33.4% where a maximum of 27% is permitted.
  - 3) 2 ½ stories proposed where 2 stories are permitted.
  - 4) A kitchen is proposed in the basement for a total of 2 kitchens in the unit where 1 kitchen per dwelling unit is permitted.

The applicants, residing at 57 Allwood Place, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors. Also present and affirmed was Jeff Battersby of 343 Cupsaw Drive, Ringwood, New Jersey, an architect.

The applicant testified that they intend to demolish the existing home at the site and construct a new single-family home.

Mr. Battersby, the architect, gave testimony as to the site plan indicating it will be 2½ stories in height; that the new building area will be 5,563.83 square feet; that the height of the structure will be 30 feet; that the total area of the new dwelling will be 6,800 square feet; that the applicant is seeking variances for combined side yards where 16 feet is required, and the applicant is proposing 13 feet; that a variance for lot coverage where 27 percent is permitted, and the applicant is seeking 33.4 percent; a variance for height where 2 stories are permitted, and the applicant is seeking approval for 2½ stories; and the applicant is also requesting

approval proposed in the basement for a total of two kitchens in the unit where one kitchen per dwelling unit is permitted.

Offered into evidence and marked as "A-1" were photos of the homes in the area.

Vice-Chrmn Gerard Scorziello stated that the proposal is for a new single-family home which could be built without the variances requested; that the applicant is seeking relief by way of variance where there is no hardship shown for the Board to grant the variances requested; that this is not a pre-existing structure but a new structure, and there is no legal basis provided by the applicant for the number of variances requested as well as the two kitchens in the premises.

After discussion, Vice-Chrmn Gerard Scorziello moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution for denial of the variances requested. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against approval was Comr Daniel Trenk. By a six to one 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 announced that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Daniel Trenk, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ALFREDO MANCHEGO for variance to install an above ground swimming pool in the right side yard at 169 Livingston Street, Block 27.01, Lot 8, was adopted. RA2

2. Upon motion made by Comr Michael Molner, 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 Resolution GRANTING the application of OZ F. ALLETTE for a side yard setback variance to install a driveway in the left front yard at 206 Trenton Avenue, Block 5.13, Lot 9, was adopted. RB1

3. 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 Resolution ADOPTING the 2018 Annual Report of the Clifton Zoning Board of Adjustment of GREGORY ASSOCIATES, LLC, was adopted.

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Zoning Officer Daniel Howell indicated that he received a telephone call from a Jean Labriola, an objector to the Cheder application, requesting that the date of March 6, 2019, be postponed since it is Ash Wednesday where ashes are distributed signifying the beginning of Lent in the Catholic faith. There was discussion by the Board, and Chrmn Zecchino requested Counsel Pogorelec to poll the Board. All Board members voted to keep the matter on for March 6, 2019.

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BASEM HAMEID for premises known as: 24 Janice Terrace, Block 75.02, Lot 30 be and the same is hereby: GRANTED a rear yard setback variance for a rear yard deck.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests rear yard setback variance approval for a rear deck at premises located at 24 Janice Terrace, Block 75.02, Lot 30, which premises are located in an RA1 zone; and

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

- a. The applicant proposes a rear yard deck at the subject premises;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 15 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the rear yard deck 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 rear yard deck will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear yard deck at premises located at 24 Janice Terrace, Block 75.02, Lot 30, be and the same is hereby approved and the rear yard setback 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 LOUIS DE STEFANO.**

**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**

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

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ZEV & SHELLY LOB for premises known as: 145 Patricia Place, Block 71.04, Lot 15 be and the same is hereby: GRANTED variances for right side yard, left side yard, combined side yard and lot coverage for a second floor addition and a rear addition and deck.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a second floor addition and a rear addition and deck at premises located at 145 Patricia Place, Block 71.04, Lot 15, 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 second floor addition and a rear addition and deck;
- b. The right side yard setback requirement is 6 feet where 5 feet is being proposed;
- c. The left side yard setback requirement is 6 feet where 4 feet 11 inches is being proposed;
- d. The combined side yard requirement is 16 feet where 9 feet 11 inches is being proposed;
- e. The maximum lot coverage permitted is 27 percent where the applicant proposes 34 percent;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition and a rear addition and deck at premises located at 145 Patricia Place, Block 71.04, Lot 15, 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.
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**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr ROY NOONBURG.**

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

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MARIA BONIFACIO for premises known as: 459 Highland Avenue, Block 21.05, Lot 1 be and the same is hereby: GRANTED street side setback and lot coverage variance for an open pergola.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for an open pergola at premises located at 459 Highland Avenue, Block 21.05, Lot 1, which premises are located in an RB2 zone; and

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

- a. The applicant requests approval for an open pergola already built in the back yard;
- b. The applicant's lot is a narrow lot which creates her hardship;
- c. The street side yard setback is 4 feet where 25 feet is required;
- d. The lot coverage permitted is 27 percent, and the applicant is requesting approval for 36 percent;
- 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 the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for an open pergola at premises located at 459 Highland Avenue, Block 21.05, Lot 1, 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 VICE-CHRMN GERARD SCORZIELLO.**

**Seconded by: Comr GEORGE FOUKAS.**

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

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,  
that the application of: LIDIE MERCADO  
for premises known as: 616 Van Houten Avenue, Block 37.02, Lot 34  
be and the same is hereby: GRANTED conditional use variance to operate a café.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests conditional use variance to operate a cafe at premises located at 616 Van Houten Avenue, Block 37.02, Lot 34, which premises are located in a B-C zone; and

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

- a. The applicant proposes to operate a café at the premises in question;
- b. A conditional use variance is required as the existing building does not meet the district bulk requirements;
- c. There will be no expansion or addition to the site;
- d. A waiver for the site plan approval is requested since there are no changes to the exterior of the building or the lot;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a conditional use variance;
- 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;

NOW THEREFORE, BE IT RESOLVED that the application to operate a cafe at premises located at 616 Van Houten Avenue, Block 37.02, Lot 34, be and the same is hereby approved and the conditional 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:

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 VICE-CHRMN GERARD SCORZIELLO.**

**Seconded by: Comr MICHAEL MOLNER.**

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

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RAHMOUN BADEREDIN A/K/A BADER RAHMOUN for premises known as: 16 Lindale Court, Block 41.01, Lot 53 be and the same is hereby: GRANTED approval for a driveway expansion 4 ½ feet even with the garage and extending towards the steps in front of the house with no curb cut and removal of 4 ½ feet away from the left side yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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, Vice-Chrmn Gerard Scorziello moved to grant the application WITH STIPULATIONS on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a driveway proposed at 0 feet from the left side yard where 5 feet is required and extending the driveway 4.5 feet into the front of the house in an area not serving a garage at premises located at 16 Lindale Court, Block 41.01, Lot 53, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a driveway or expansion already in place 0 feet from the left side yard where 5 feet is required and 4.5 feet into the front of the house in an area not serving a garage;
- b. The purpose of the driveway is to accommodate the needs of a handicap child;
- c. The Board has heard the testimony of the applicant, the objectors, and reviewed the exhibits offered into evidence;
- d. The accommodation for the handicap child creates a hardship for the applicant which may be remedied by moving the driveway 4 ½ feet even with the garage from the left side and extending towards the steps in front of the house with no curb cut, and the driveway will be 4 ½ feet from the left side yard;
- e. The applicant has shown sufficient hardship to justify the approval 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 has considered the objections of the objectors and the proposal to move the driveway towards the steps away from the property line will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for an expansion of the driveway at the subject premises located at 16 Lindale Court, Block 41.01, Lot 53, be and the same is hereby approved and the variances be and the same are hereby granted WITH THE STIPULATION THAT (1) THERE WILL BE NO EXPANSION OF THE CURB CUT; (2) THE DRIVEWAY WILL BE MOVED 4 ½ FEET EVEN WITH THE GARAGE AND EXTENDED TOWARDS THE STEPS IN FRONT OF THE HOUSE, WHICH WILL RESULT IN THE REMOVAL OF 4 ½ FEET AWAY FROM THE LEFT SIDE YARD LOT LINE 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 VICE-CHRMN GERARD SCORZIELLO.**  
**Seconded by: Comr ROY NOONBURG.**  
**Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF FEBRUARY 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NATHAN & EMILY KAMELHAR for premises known as: 57 Allwood Place, Block 57.05, Lot 2 be and the same is hereby: DENIED variances for combined side yards, lot coverage, height of structure, and two kitchens in the unit for a one-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on February 20, 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, Vice-Chrmn Gerard Scorziello moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to demolish an existing structure and construct a new one-family dwelling at premises located at 57 Allwood Place, Block 57.05, Lot 2, which premises are located in an RA3 zone; and

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

- a. The applicant proposes to demolish the existing home and construct a new single-family home;
- b. The applicant requests variance approval for combined side yards, lot coverage, number of stories, and two kitchens as part of the new construction;
- c. The applicant has shown no hardship to justify the grant of the variances requested;
- d. The applicant may construct a new dwelling without all the variances requested;
- e. The applicant has failed to sustain the burden of proof for the Board to approve the variances requested; 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 since the number of variances requested by the applicant creates an overuse of the premises; and

WHEREAS, the Board further finds that the proposal will not promote the health, safety, and general welfare of the neighborhood due to the many variances requested;

NOW THEREFORE, BE IT RESOLVED that the application to demolish the existing home and construct a new single family home at premises located at 57 Allwood Place, Block 57.05, Lot 2, be and the same is hereby disapproved and the variances for combined side yards, lot coverage, height, and two kitchens in the unit be and the same are hereby denied

**Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.**

**Seconded by: Comr LOUIS DE STEFANO.**

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