

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, March 1, 2023. Chrnm 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. Chrnm Zecchino announced the time, place, and form of notice as well as advising all applications that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS DAVID BRAID, ALESSIA ERAMO, MAUREEN O’CONNOR, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO AND CHRMN MARK ZECCHINO.

ABSENT: NONE

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

Upon motion made by Comr. Scott Sochon, seconded by Vice Chrnm Gerard Scorziello, the Minutes of the February 15, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

### **REMANDED HEARING**

1. **JOHN RADER**, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – Site plan approval required to remove the existing MOONEY AUTO REPAIR GARAGE, to enlarge the building housing the existing DUNKIN DONUTS building, to create an additional store, two vestibule entrances to the two stores and a drive-in facility. A bulk variance is required to permit the use of lighting other than the ordinance required high-pressure sodium lighting, because it is no longer manufactured. A use variance is required to permit the drive-in window. All other nonconformities are pre-existing and do not required variances. DENIED DECEMBER 2, 2022 – COURT-ORDERED REMAND.  
Use Variance;  
Variance;  
Site Plan

This matter was continued without date.

### **CONTINUED HEARINGS**

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

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

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

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

John A. Conte, Jr., Esq., of Meyerson, Fox, Mancinelli & Conte, with offices at 1 Paragon Drive, Suite 240, Montvale, New Jersey 07645, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Edmundo Lopez, PC, with offices at 138 Bridge Avenue, Red Bank, New Jersey 07701, an architect; and Bruce D. Rigg, PE and LS, with offices at 1000 Maple Avenue, Glen Rock, New Jersey 07452, an engineer.

This is a continued hearing from the meeting of February 15, 2023.

The Board is in receipt of revised site plans and a Report of Title dated February 22, 2023 from the Applicant. As noted in correspondence dated February 21, 2023 from the Applicant's Engineer, Rigg Associates, the revised plans incorporate three revisions in response to the Board's comments during the February 15, 2023 Hearing. The February 21, 2023 correspondence also outlines the Applicant's response to comments provided by the February 8, 2023 Amended Engineering Review No. 1 provided by Neglia Engineering.

The Board is in receipt of reports from its Planning Consultant, Graviano & Gillis Architects & Planners LLC dated February 10, 2023 and amended on February 27, 2023; and Neglia Engineering dated February 8, 2023 and amended on February 23, 2023.

The Applicant's engineer, Bruce Rigg, testified that the Site Plan was revised pursuant to the Board's comments. Such revision is dated February 17, 2023. Mr. Rigg testified as to the changes within the revised Site Plan, which include construction of masonry walls around the refuse area; addition of arborvitaes; addition of an EV parking space and relocation of an HVAC unit; changes to lighting; and removal of a telephone pole.

Mr. Intindola stated that the applicant may wish to consider a fence screen to control the size of any boxwoods. Mr. Rigg responded that the boxwoods were selected to address the potential overgrowth.

The Applicant's architect, Edwin Lopez, testified regarding the revisions to the Site Plan, which include: addition of a wall to the lower level of the property to ensure symmetry. The new portion of the wall will include two archway openings to complement the arches already existing. On the second level, the new wall contains similar and symmetrical windows.

Chrmn Zecchino asked about the color of the façade. Mr. Conte stated that the Applicant is willing to consider the input of the Board, but wishes to maintain the unique red color of the existing building.

Mr. Graviano stated that the color pattern for the stucco is based on the Board's preferences and that applicable codes for the area are specific only for awnings. Mr. Graviano stated he did not have a preference regarding the color of the stucco.

Mr. Intindola acknowledged the positive nature of improvements due to the removal of the pole and the addition of the EV parking spot.

Mr. Conte offered a closing statement. He stated that the applicant concurs with Mr. Graviano's report which finds that the applicant complies with all requirements. He summarized the positive changes which include the closure of the Van Houten Avenue entrance, refuse area and flow of garbage trucks, removal of the telephone pole, landscaping, and replacement of a drop curb with a full curb. Mr. Conte addressed the requested C variances. He stated that the front yard setback variances is an existing non-conformity. He explained that lot coverage would increase, as would the requirement that parking occur in the front yard due to the change in purpose of the building.

Mr. Conte addressed the positive and negative criteria. He stated that special reasons had been proven and that the property is particularly suited for the use. He explained that there was no substantial impact to the public, and the benefits of the variances outweigh the detriments. He further stated that there has always been a residential component at this property, but that this application is an elimination of the commercial use.

Comr. Molner thanked the applicant for responding to the Board's concerns and originally meeting the parking requirements. Chrmn Zecchino praised the applicant for exceeding the parking requirement.

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

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

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

At the request of the attorney for the applicant, this matter was continued by the Board until the April 5, 2023 meeting of the Board.

4. **MAIN FOOT AND ANKLE LLC**, 1610 Main St. & 80 W. 2<sup>nd</sup> St., Block 9.07, Lots 25 and 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is proposing a consolidated subdivision of 1610 Main Avenue and 80 West 2<sup>nd</sup> Street. The applicant further proposes a 3-story mixed use building for medical offices and a retail pharmacy. A D1 use variance is requested in addition to any and all other variances as may be required.

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

### **NEW HEARINGS**

1. **JOSHUA & YAEL FOGEL**, 31 Heights Rd., Block 50.10, Lot 12 – RA2 – The applicant is proposing a rear 2 story addition and new front porch which requires the following variance; front yard setback proposed at 28.08' where 30' is required.

The applicants, residing at 31 Heights Road, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that the only variance required was a front yard setback due to the construction of a porch.

Cmr. Molner asked about basement access through the outside. The applicant stated that any outdoor basement access currently exists.

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

2. **AVI & SURI WALLEES**, 74 Heights Rd., Block 50.07, Lot 6 – RA2 – The applicant is proposing a rear and 2nd story addition with a new covered front porch which requires the following variances; front yard setback proposed at 23.1' where 30' is required, combined side yard setbacks proposed at 15.8' where 16' is permitted, and lot coverage proposed at 32.30% where 30% is required.

The applicant, residing at 74 Heights Road, Clifton, New Jersey was present and sworn. Also present on behalf of the applicant is engineer and planner William J. Martin, WJM Architect, 25 Boulevard, Westwood, New Jersey. There were no objectors.

Mr. Martin testified that the existing lot is a narrow lot and is creating an issue with a side yard setback. This issue is currently existing creating a hardship. Mr. Martin testified that the applicant is building an addition on the existing foot print. The applicant wants to add an aesthetic improvement, which continues to create the side yard setback issue. He also testified that a lot coverage issue will also persist due to the porch and additional roof. Mr. Martin explained that there is no substantial detriment and it is an enhancement to the public, so the negative criteria is satisfied.

Chrmn Zecchino asked if the applicant is building on the current footprint. Mr. Martin confirmed this is accurate.

Cmr. Molner asked about basement access and attic space. Mr. Martin confirmed there is no outdoor access to the basement being added, and it is being eliminated. Mr. Martin confirmed that attic space is for storage

Cmr. Sochon asked about heating for the attic. Mr. Martin stated that the attic will be insulated as an energy saving method, but there would be no bathrooms or bedrooms on that level.

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

3. **ELI & AMANDA KAUFMAN**, 370 South Parkway, Block 58.02, Lot 29 – RA3 – The applicant is proposing two story rear addition and attic dormer which requires a variance for lot coverage. 27% is required where 29.58% is being proposed. Also attic stairwell dormer is creating a 3rd story.

The applicant, residing at 370 South Parkway, Clifton, New Jersey was present and sworn. Also present on behalf of the applicant is engineer and planner William J. Martin, WJM Architect, 25 Boulevard, Westwood, New Jersey. There were no objectors.

Mr. Martin testified that the applicant will be constructing a two story addition for kitchen and dining room space. Mr Martin stated that the construction will maintain the current character and exterior appearance of the home. Mr. Martin testified that there is an existing nonconforming rear yard setback which will not change, but the addition will create an increase in the amount of lot coverage. The nature of the existing footprint requires this additional increase in order to enhance its functionality. Mr. Martin testified that there is no additional traffic, light spillage and all negative criteria is satisfied.

Comr. Molner asked about basement access. Mr. Martin testified that basement access was from inside the home only.

Chrmn Zecchino asked if the front yard setback issue is an existing nonconformity. Mr. Martin confirmed it was.

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

4. **ELVIS OSPINA**, 31 Homer St., Block 59.10, Lot 13 – RB1 – The applicant is proposing an addition and side porch with roof which requires the following variances; side yard setback proposed at 5' where 6' is required, front yard setback proposed at 18.8' where 25' is required, side entrance porch with roof proposed at 1.5' where 3' is permitted on a side entrance porch.

The applicant, residing at 31 Homer Street, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that he would like to construct a second level addition with a side porch with a roof. He testified that there are two bedrooms and a bathroom on the second floor, but he would like to increase the number of bedrooms and increase the bathroom size.

Chrmn Zecchino asked about the front porch extension and a metal overhang. The applicant stated he will remove the existing metal canopy and replace it within the existing canopy area.

Comr. Gurkov asked the applicant how long he has lived in this property. The applicant responded since 2015.

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

5. **RANDALL BERMAN**, 495 River Rd., Block 61.03, Lot 56 – M-2 – The applicant is proposing to enclose existing loading dock which requires the following variances, rear yard setback proposed at 5.42' where 15' is required and side yard setback proposed at 6.31' where 15' is required.

The applicant, residing at 495 River Road, Clifton, New Jersey was present and sworn. Also present was Jorge Fernandes, architect, 75 Parkhurst Street, Newark, New Jersey 07114. There were no objectors.

Mr. Fernandes testified that the property is currently a warehouse with existing side yard and rear yard variances due to preexisting issues. Mr. Fernandez testified that there is a loading dock on the property, but the applicant wishes to enclose the loading dock area to keep pallets in the dock prior to storage. The enclosure would have 3 bay doors. The lot coverage will be increased by 2% which is below the current requirements, and the side yard and rear yard will be continuing.

The applicant testified that the reason for enclosure is for safety due to weather protection.

After a review of the testimony, Vice Chrnm Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon. Voting for approval were Comrs. Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice Chrnm Gerard Scorziello, and Chrnm 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.

### **RESOLUTIONS**

1. GRANTED the application of EMB 561 LLC for preliminary and final site plan approval, use variances, and bulk variances in order to convert an existing mixed-use property into a multi-family apartment building with 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor for premises located at 561 Van Houten Ave., Block 43.04, Lot 8.

2. GRANTED the application of JOSHUA & YAEL FOGEL for a front yard setback variance to construct a 2 story addition and new front porch for premises at 31 Heights Rd., Block 50.10, Lot 12.

3. GRANTED the application of AVI & SURI WALLEES for front yard and combined yard setback variances as well as lot coverage variances to construct a second story addition with a new covered porch for premises located at 74 Heights Rd., Block 50.07, Lot 6.

4. GRANTED the application of ELI & AMANDA KAUFMAN for a lot coverage variance to construct a rear addition and attic dormer, which adds a third story, for premises located at 370 South Parkway, Block 58.02, Lot 29.

5. GRANTED the application of ELVIS OSPINA for side yard set back and front yard set back variances to construct an addition and side porch with a roof for premises located at 31 Homer St., Block 59.10, Lot 13.

6. GRANTED the application of RANDALL BERMAN for rear yard setback and side yard setback variances to enclose the existing loading dock for premises located at 495 River Road, Block 61.03, Lot 56.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.  
COUNSEL SECRETARY

**MEETING OF MARCH 1, 2023.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **EMB 561 LLC**  
for premises known as: **561 Van Houten Ave., Block 43.04, Lot 8**  
be and the same is hereby: **GRANTED preliminary and final site plan approval, use variance approval, and bulk variances for pre-existing non-conformities in order to convert an existing mixed use building into a multi-family apartment building.**

Testimony concerning the aforesaid application was taken by the Board at its meetings on February 15, 2023 and March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests preliminary and final site plan approval, use variance approval, and bulk variances for pre-existing non-conformities in order to convert an existing mixed use building into a multi-family apartment building; and

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

a. The applicant proposes to convert an existing mixed-use building into a multi-family apartment building; and

b. The property currently has a residential component as part of its use and the construction would eliminate the commercial use of the Property; and

c. Construction on the property would result in the closing of the entrance and egress on to Van Houten Avenue, and that sole access will be through Dick Street; and

d. The applicant seeks to make productive use of this property; and

e. The applicant, through the testimony of his experts, has addressed the required positive criteria to establish that:

1. The application will further the intent and goals of the Master Plan;

2. The proposed use is appropriate with other uses in the area;

3. The property is particularly suited for the use of this kind;

4. A residential component currently exists at this property and the application proposes to eliminate the commercial use at the property.

f. The applicant, through testimony of his experts, has addressed the required negative criteria to establish that:

1. There will be no substantial increase of any noise to neighboring residents;

2. The elimination of the commercial use of the property will result in a reduction in volume and traffic within the local neighborhood on weekends;

3. The closure of the Van Houten Avenue entrance and egress will improve traffic flow within the community;

4. There is no substantial detriment to the public good or the master plan; and

g. The applicant's revised Site Plan incorporates modifications outlined in the comments from the February 8, 2023 Amended Engineering Review No. 1 provided by Neglia Engineering; and

h. The applicant's revised Site Plan incorporates modifications outlined in the comments from the February 10, 2023 Planning Review No 1 provided by Graviano & Gillis Architects & Planners LLC; and

i. The applicant's revised Site Plan incorporates the comments and suggestions of the Board made during the February 15, 2023 Hearing; and

j. The applicant has shown sufficient hardship to justify the grant of the variances requested;

k. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED the application for preliminary and final site plan approval, use variance approval, and bulk variances for pre-existing non-conformities in order to convert an existing mixed use building into a multi-family apartment building at 561 Van Houten Ave., Block 43.04, Lot 8 is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

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

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

**Resolution moved by: Comr. GEORGE FOUKAS**  
**Seconded by: Comr. MICHAEL MOLNER**  
**Affirmed by: Comr. Maureen O'Connor, Zalman Gurkov, Scott Sochon,**  
**Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark**  
**Zecchino.**

**MEETING OF MARCH 1, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOSHUA & YAEL FOGEL for premises known as: 31 Heights Rd., Block 50.10, Lot 12 be and the same is hereby: GRANTED a request for front yard set back variances to construct a rear two story addition and new front porch.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant is proposing to construct a two story addition and new front porch which requires front yard set back variances for premises located 31 Heights Rd., Block 50.10, Lot 12; and

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

- a. The applicant proposes to construct a two story addition and new front porch which requires front yard set back variances; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a two story addition and new front porch which requires front yard set back variances for premises located 31 Heights Rd., Block 50.10, Lot 12, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

**Resolution moved by: Comr. MICHAEL MOLNER**

**Seconded by: Comr SCOTT SOCHON**

**Affirmed by: Comrs Maureen O'Connor, Zalman Gurkov, Scott Sochon,  
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark  
Zecchino.**

**MEETING OF MARCH 1, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AVI & SURI WALLEES  
for premises known as: 74 Heights Rd., Block 50.07, Lot 6  
be and the same is hereby: GRANTED a request for front yard setback, combined side yard setback, and lot coverage variances to construct a rear and second story addition with new covered front porch.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant is proposing to construct a two story addition and new front porch which requires front yard set back variances for premises located 74 Heights Rd., Block 50.07, Lot 6; and

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

- a. The applicant proposes to construct a rear and second story addition with new covered front porch which requires front yard setback, combined side yard setback, and lot coverage variances; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a rear and second story addition with new covered front porch which requires front yard setback, combined side yard setback, and lot coverage variances for premises located 74 Heights Rd., Block 50.07, Lot 6, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by: Comr. MICHAEL MOLNER**  
**Seconded by: Vice Chrmn GERARD SCORZIELLO**  
**Affirmed by: Comrs Maureen O'Connor, Zalman Gurkov, Scott Sochon,**  
**Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark**  
**Zecchino.**

**MEETING OF MARCH 1, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELI & AMANDA KAUFMAN for premises known as: 370 South Parkway, Block 58.02, Lot 29 be and the same is hereby: GRANTED a request for a lot coverage variance to construct a two story rear addition and attic dormer which adds a third story.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. Scott Sochon moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is proposing to construct a two story rear addition and attic dormer which adds a third story which requires a lot coverage variance for premises located 370 South Parkway, Block 58.02, Lot 29; and

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

- a. The applicant proposes to construct two story rear addition and attic dormer which adds a third story which requires a lot coverage variance; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to a two story rear addition and attic dormer which adds a third story which requires a lot coverage variance for premises located 370 South Parkway, Block 58.02, Lot 29, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

**Resolution moved by: Comr. SCOTT SOCHON**

**Seconded by: Comr. MICHAEL MOLNER**

**Affirmed by: Comrs Maureen O'Connor, Zalman Gurkov, Scott Sochon,  
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark  
Zecchino.**

**MEETING OF MARCH 1, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELVIS OSPINA  
for premises known as: 31 Homer St., Block 59.10, Lot 13  
be and the same is hereby: GRANTED a request for side yard and front yard setback variances to construct an addition and side porch with roof.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is proposing to construct an addition and side porch with roof which requires side yard and front yard setback variances for premises located at 31 Homer St., Block 59.10, Lot 13; and

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

- a. The applicant proposes to construct an addition and side porch with roof which requires side yard and front yard setback variances; and
- b. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- c. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct an addition and side porch with roof which requires side yard and front yard setback variances for premises located at 31 Homer St., Block 59.10, Lot 13, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

**Resolution moved by: Comr. ZALMAN GURKOV**  
**Seconded by: Comr. MAUREEN O'CONNOR**  
**Affirmed by: Comrs Maureen O'Connor, Zalman Gurkov, Scott Sochon,**  
**Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark**  
**Zecchino.**

**MEETING OF MARCH 1, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RANDALL BERMAN  
for premises known as: 495 River Rd., Block 61.03, Lot 56  
be and the same is hereby: GRANTED a request for side yard and rear yard setback variances to enclose an existing loading dock.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 1, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is proposing to enclose an existing loading dock which requires side yard and rear yard setback variances for premises located at 495 River Rd., Block 61.03, Lot 56; and

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

a. The applicant proposes to enclose an existing loading dock which side yard and rear yard setback variances; and

b. The applicant has shown sufficient hardship to justify the grant of the variance requested;

c. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to enclose an existing loading dock which requires side yard and rear yard setback variances for premises located at 495 River Rd., Block 61.03, Lot 56, is hereby approved and the variances 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 Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by:** Vice Chrmn GERARD SCORZIELLO  
**Seconded by:** Comr. SCOTT SOCHON  
**Affirmed by:** Comrs Maureen O'Connor, Zalman Gurkov, Scott Sochon,  
 Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.