

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, March 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 SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS ZALMAN GURKOV AND DANIEL TRENK.

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

Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the March 6, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

**NEW HEARINGS**

1. **JOHN & JACLYN COYNE**, 11 Henoeh Avenue,  
Variance Block 32.09, Lot 18 – RA3 – Applicant  
proposes to build a second floor addition over  
the existing first floor. The following variances  
are requested:  
1) Right side yard proposed at 4.25' where  
6' is required.

John Coyne, residing at 11 Henoeh Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to erect a second floor addition over the existing first floor; that the right side yard setback requirement is 6 feet, and he is proposing 4.25 feet which is pre-existing; that the purpose of the addition is to house bedrooms and a bathroom.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the setback of 1.75 feet is minimal and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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. **ADVI KRASNIQI**, 173 Clinton Avenue,  
Variances Block 21.02, Lot 20 – RB1 – Applicant

proposes to construct a rear, one-story addition, partially started. The following variances are required:

- 1) Right side yard proposed at 1.8' where 6' is required.
- 2) Combined side yards are 8.8' where 16' is required.
- 3) Lot coverage proposed at 34% where 27% is permitted (an increase of 1.9%).

The applicant, along with his daughter, Flora Krasniqi, residing at 173 Clinton Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicant testified that he requests variance approval to construct a rear, one-story 8- by 8-foot addition at the subject premises; that the addition will square off the building; that the purpose is to accommodate his mother who is 96 years of age; that the right side yard setback requirement is 6 feet, and he is proposing 1.8 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 8.8 feet; that the lot coverage permitted is 27 percent, and he is requesting a lot coverage of 34 percent, an increase of 1.9 percent which is *de minimis*.

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 application. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

3. Variances

**YESHAYA ROSNER**, 200 Edgewood Avenue, Block 57.04, Lot 23 – RA3 – Applicant proposes to construct two dormers over the existing house. The following variances are requested:

- 1) Left side yard proposed at 3.66' where 6' is required.
- 2) Front yard proposed at 24.61' where 25' is required.

The applicant, residing at 200 Edgewood Avenue, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he requests variance approval to construct two dormers over an existing house; that the variances requested are the left side yard setback requirement is 6 feet, and he is proposing 3.66 feet; that the front yard setback requirement is 25 feet, and he is proposing 24.61 feet; that the purpose of adding the two dormers is to provide for more living space at the premises.

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 application. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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. **VMP HOLDING, LLC C/O JOSEPH KROKUS,**  
Variances 22 Delawanna Avenue, Block 61.07, Lot 8  
-- R-B1 – Convert an existing one-story masonry building to a 2½-story two-family dwelling. Two-family use permitted in the zone. In order to develop and use the subject property as proposed, the applicant is requesting bulk variances for minimum lot area, minimum lot area per dwelling unit, minimum lot width, minimum single side yard setback, minimum combined side yard setbacks, minimum rear yard setback and maximum lot coverage in addition to any and all other variances or waivers the Board deems necessary for approval of this application.

Robert A. Gaccione, Esq., with offices at 524 Union Avenue, Belleville, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Joseph Krokus of 51 Clark Avenue, Rutherford, New Jersey; Steven Lydon of 25 Westwood Avenue, Westwood, New Jersey, a planner; and Allende Matos of 545 Lexington Avenue, Clifton, New Jersey, an architect. There were no objectors.

Mr. Gaccione stated that the applicant requests approval to convert an existing one-story masonry building to a 2½-story two-family dwelling; that the current use is non-conforming and the two-family use is permitted in the zone.

Mr. Krokus testified that he seeks approval to convert the existing one-story masonry building to a 2½-story two-family dwelling; that the proposed use is a permitted use in the RB1 zone.

Mr. Matos testified as an architect and described the property and the alterations to the building. Offered into evidence which was marked "A-1" is a site plan rendering of the proposed two-family dwelling.

Steven Lydon, a planner, testified as to the variances required; that the proposal will convert the property from a non-conforming use to a conforming use; that the proposal promotes the goals and objectives of the Master Plan; that the applicant seeks a variance for minimum lot area where 7,500 square feet is required and 5,000 square feet is proposed; that a minimum lot area per dwelling variance is required where 3,750 square feet is required and 2,500 square feet is proposed; that a minimum lot width variance is required where 75 feet is required and 50 feet is proposed; that a minimum rear yard setback of 35 feet is required, and the applicant is proposing 30 feet; that a minimum single side yard setback of 12 feet is required, and the applicant is proposing 3 feet and 10 feet setback; that the minimum combined side yard requirement is 24 feet, and the applicant is proposing 13 feet; that the maximum lot coverage permitted is 25 percent, and the applicant is proposing 31 percent; that most of the above variances requested are pre-existing; that the proposal promotes the goals and objectives of planning.

After a review of the testimony, Comr George Foukas moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that a conforming use will be replacing a non-conforming use at the premises. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.  
Use  
Variance;  
Variances

**DANIEL & MARGARITA KATZEVICH,**

13 Somerset Place, Block 56.07, Lot 11.02

-- M-2 – There presently exists a non-conforming residence and accessory garage on the property.

~The applicant proposes to demolish all improvements on the property and construct a new flex-industrial building with related onsite parking lot. The use proposed for the building and property is contractor-storage site with office. The use of the property for same is not permitted by ordinance and a variance is requested. In addition, the applicant requests the following additional variances:

1. Principal building rear yard setback – 20' required, 5' proposed.
2. Principal building side yard setback – 13' required, 5' proposed from both left and right side of the new proposed building.
3. Principal building side yard combined variance – The ordinance requires that the combined side yard setback for both the left and right side of the building must be a minimum of 26'. 10' combined is proposed, (5' on either side).

~In the alternative, the applicant seeks conditional use approval to utilize the property for the aforesaid flex-industrial/contractor storage/warehouse/office together with any required variances from the conditional use ordinance including but not limited to the following:

1. The subject is not located on a collector or arterial street and the ordinance requires that such contractor storage/warehouse be located on such a designated street.
2. The ordinance requires that such contractor storage/warehouse project meet all of the lot area and bulk standards for the M-2 zone whereat the property is located,

whereas the subject property is less than the minimum lot area required and further, the proposed building does not meet the required setback. Such conditional use variances are required.

In addition, the applicant requests any Other variance, waiver, or design exception as may be deemed necessary by the Zoning Board of Adjustment of the City of Clifton in order to secure approval of all plans, plats, and applications submitted.

Steven C. Schepis, Esq., with offices at 339 Changebridge Road, Suite 3, Pine Brook, New Jersey, appeared on behalf of the applicant. Present and sworn was Anthony Garrett of 161 Main Street, Ridgefield Park, New Jersey, a planner and architect. There were no objectors.

Mr. Schepis stated that the applicant requests variance approval to demolish all existing structures on the subject premises and redevelop the property for a conforming use; that the property surrounding the subject premises are developed with industrial-type buildings; that the property is approximately half the required lot area required by ordinance; that due to the undersize nature of the subject property, the applicant is unable to meet the setback requirements of the ordinance; that practical difficulties exist for meeting the setback requirements, and the hardship justifies the grant of a "C-1" variance.

Mr. Garrett testified that presently existing at the site is a non-conforming residence and accessory garage; that the applicant proposes to demolish all improvements and construct a new flex-industrial building with on-site parking, warehouse, garage with office; that a variance was previously granted by the Board on June 2, 2010, however, it was never acted upon by the applicant; that a conditional use variance is requested since the applicant does not satisfy all the conditional requirements, to wit:

1. The property is not located on a collector or arterial street; and
2. The applicant is unable to satisfy all of the bulk standards for the M-2 zone, since there is a deficiency in lot area and required setback.

Mr. Garrett continued to testify that the reason for granting the variance are that redevelopment of the property will be for a conforming industrial use; That the property is undersized which is the hardship to develop; that the proposal furthers the purposes of zoning; that the proposal represents a substantial improvement, and there will be no negative impacts to the zone plan or zone ordinance; that the use is particularly suited for this site.

Offered into evidence where the following exhibits:

"A-1" is the site plan;

"A-2" is the survey; and

"A-3" are 20 photographs of the site from different angles.

After a review of the testimony Comr Roy Noonburg moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval subject to the following conditions:

1. That the site may be used for warehousing distribution;
2. That the site may be used for storage of contractor's equipment; and
3. That the site may be used for manufacturing; and
4. That the applicant will install masonry surrounding the front door.

The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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.

### **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 Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of CLIFTON CHEDER for preliminary and final site plan approval and a D3 conditional use variance and bulk variances for a private elementary school in the B-A zone at 1333 Broad Street, Block 76.01, Lot 5, was adopted. B-A

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARIA RODRIGUEZ for a rear yard setback variance to build a 10- by 16-foot rear deck at 27 Concord Street, Block 23.02, Lot 10, was adopted. RA3

3. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ERIC PHILIP for a 2½-foot left side yard setback variance to widen the driveway and to increase the driveway 2½ feet to the right, retaining the present 12-foot-wide curb cut at 95 Ridgewood Road, Block 55.07, Lot 5, was adopted. RA3

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF MARCH 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOHN & JACLYN COYNE for premises known as: 11 HENOCK AVENUE, BLOCK 32.09, LOT 18 be and the same is hereby: GRANTED side yard setback variance for a second floor addition over existing first floor.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 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 variance approval as aforesaid to erect a second floor addition to premises located at 11 Henoch Avenue, Block 32.09, Lot 18, 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 requests approval for a second floor addition over an existing first floor at the subject premises;
- b. That the right side yard setback requirement is 6 feet, and the applicant is proposing 4.25 feet which is pre-existing;
- c. That 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 proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition at premises located at 11 Henoch Avenue, Block 32.09, Lot 18, be and the same is hereby approved and the right side 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 MICHAEL MOLNER.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF MARCH 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ADVI KRASNIQI for premises known as: 173 Clinton Avenue, Block 21.02, Lot 20 be and the same is hereby: GRANTED bulk variances to construct a rear, one-story addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 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 as aforesaid for right side yard setback, combined side yard setback, and lot coverage to construct a rear, one-story addition at premises located at 173 Clinton Avenue, Block 21.02, Lot 20, which premises are located in a RB1 zone; and

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

- a. The applicant proposes to construct a one-story 8- by 8-foot addition to the subject premises to accommodate his mother, age 96;
- b. That the addition will square off the building;
- c. That the right side yard setback requirement is 6 feet, and the applicant is proposing 1.8 feet;
- d. The combined side yard requirement is 16 feet, and the applicant is proposing 8.8 feet;
- e. That the lot coverage proposed is 34 percent where 27 percent is permitted, resulting in an increase of 1.9 percent which is *de minimis*;
- 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 there has been no testimony presented to show that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a rear, one-story addition at premises located at 173 Clinton Avenue, Block 21.02, Lot 20, be and the same is hereby approved and the variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.

10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void, or as amended.

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

**Seconded by: Comr SCOTT SOCHON.**

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

**MEETING OF MARCH 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: YESHAYA ROSNER for premises known as: 200 Edgewood Avenue, Block 57.04, Lot 23 be and the same is hereby: GRANTED bulk variances to construct two dormers over the existing house.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 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 bulk variance approval as aforesaid to construct two dormers over the existing premises located at 200 Edgewood Avenue, Block 57.04, Lot 23, which premises are located in a RA3 zone; 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 dormers to increase the living space at the subject premises;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 3.66 feet;
- c. The front yard setback requirement is 25 feet, and the applicant is proposing 24.61 feet which is *de minimis*.
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to construct two dormers over the existing premises at premises located at 200 Edgewood Avenue, Block 57.04, Lot 23, be and the same is hereby approved and the variances for left side yard and front yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code

Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void, or as amended.

**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr MICHAEL MOLNER.**

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

**MEETING OF MARCH 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: VMP HOLDING, LLC C/O JOSEPH KROKUS for premises known as: 22 Delawanna Avenue, Block 61.07, Lot 8 be and the same is hereby: GRANTED bulk variances to convert an existing masonry building to a 2½-story two-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on March 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 as set forth herein to convert an existing one-story masonry building to a 2½-story two-family dwelling at premises located at 22 Delawanna Avenue, Block 61.07, Lot 8, which premises are located in a R-B1 zone; and

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

- a. There exists at the premises a one-story building which is a non-conforming use;
- b. The applicant proposes to convert the structure to a 2½-story two-family dwelling which is a conforming use and permitted in the zone;
- c. The minimum lot area requirement is 7,500 square feet, and the applicant proposes 5,000 square feet which is pre-existing;
- d. The minimum lot area per dwelling unit requirement is 3,750 square feet, and the applicant is proposing 2,500 square feet;
- e. The minimum lot width requirement is 75 feet, and the applicant is proposing 50 feet which is pre-existing;
- f. The minimum rear yard setback requirement is 35 feet, and the applicant is proposing 30 feet which is pre-existing;
- g. The minimum single side yard setback requirement is 12 feet, and the applicant is proposing 3 feet and 10 feet setbacks;
- h. That the minimum combined side yard setback requirement is 24 feet, and the applicant is proposing 13 feet;
- i. The maximum lot overage permitted is 25 percent, and the applicant is proposing 31 percent which is pre-existing;
- j. That based upon the testimony of the applicant's planner, the proposal will convert a non-conforming use to a conforming use and promote the goals of the Master Plan and the Zone Ordinance;
- k. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- l. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to convert an existing one-story masonry building to a 2½-story two-family dwelling at premises located at 22 Delawanna Avenue, Block 61.07, Lot 8, be and the same is hereby approved and the bulk variances as set forth above be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void, or as amended.

**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr MICHAEL MOLNER.**

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

**MEETING OF MARCH 20, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL & MARGARITA KATZEVICH for premises known as: 13 Somerset Place, Block 56.07, Lot 11.02 be and the same is hereby: GRANTED conditional use variance approval to utilize the property for a flex-industrial building with warehousing distribution, contractor storage, and manufacturing and office use.**

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

WHEREAS, the applicant requests conditional use variance approval as aforesaid to demolish an existing non-conforming residence and accessory garage on the property and construct a new flex-industrial building with related on-site parking at premises located at 13 Somerset Place, Block 56.07, Lot 11.02, which premises are located in a M-2 zone; and

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

- a. There exists a non-conforming residence and accessory garage at the subject premises;
- b. The applicant proposes to demolish the residence and garage and construct a new flex-industrial building which conforms to the M-2 zone;
- c. Based upon the testimony of the applicant's planner, the proposed redevelopment will be for a conforming industrial use which is particularly suited for the site and furthers the purposes of zoning;
- d. A variance was previously granted by the Board on June 2, 2010, but never acted upon which approved a similar use;
- e. The proposal represents a substantial improvement to the site with no negative impacts to the zone plan and zone ordinance;
- f. That the variances requested, including rear yard setback where 20 feet is required and 5 feet is proposed; the principal building side yard setback where 13 feet is required and 5 feet is proposed from both left and right side of the new proposed building; and the principal building side yard combined requirement is 26 feet, and the applicant is proposing 10 feet;
- g. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- h. 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 since a non-conforming use is eliminated and a conforming use is approved; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a flex-industrial building at premises located at 13 Somerset Place, Block 56.07, Lot 11.02, be and the same is hereby approved and the conditional use variance and bulk variances as aforesaid be and the same are hereby granted **SUBJECT TO THE FOLLOWING:**

**A. THAT THE USE OF THE PREMISES IS FOR (1) WAREHOUSING DISTRIBUTION, (2) STORAGE OF CONTRACTOR'S EQUIPMENT, (3) MANUFACTURING; AND (4) THAT THE APPLICANT INSTALL MASONRY SURROUNDING THE FRONT DOOR OF THE PREMISES; and** 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 ROY NOONBURG.**

**Seconded by: Comr SCOTT SOCHON.**

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