

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, April 17, 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 MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS ZALMAN GURKOV, SCOTT SOCHON, 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 April 3, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

NEW HEARINGS

1. **AMERICAN ANALYTICAL ASSOCIATION,**
Use 237 Dayton Avenue, Block 4.23, Lot 1.01
Variance; -- PD-1 – Applicant proposes to reconfigure
Variances existing structure to contain one commercial unit (currently a financial institution) and four residential units. Building currently contains one commercial use, including second floor office use, and two residential units on the third floor. Use variance required for residential use in the PD-1 Zone and mixed use. Interior renovation is proposed with no exterior building additions proposed. Existing nonconforming lot area and bulks. Any other relief deemed necessary by the Board.

Bennett Wasserstrum, Esq., with offices at 999 McBride Avenue, Woodland Park, New Jersey, appeared on behalf of the applicant. Present and sworn was Emanuel Hedvat of 284 Sheffield Street, Mountainside, New Jersey; and Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey, an architect and planner.

Mr. Wasserstrum stated that the applicant proposes to reconfigure the existing structure to contain one commercial unit which is currently a financial institution and four residential units; that the building contains one commercial use, including second floor office use and two residential units on the third floor; that a use variance is required for residential use in the PD1 zone and a mixed use; that interior renovations are proposed by the applicant with no exterior building additions proposed; that the existing lot area is non-conforming.

Mr. Mileto testified as an architect and planner and stated that a use variance is required as well as variances for lot area per dwelling unit and variances for lot

area, lot depth, rear yard, building height, and number of stories which are pre-existing; that there is adequate parking in the area; that the positive criteria is that there will be two additional dwelling units proposed; that the negative criteria is satisfied since the proposal will not be detrimental to the neighborhood; that in his opinion, the grant of the variance will help promote the goals and objectives of the Master Plan and upgrade the area.

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 Roy Noonburg. Voting in the affirmative were Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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. **PUBLIC SERVICE ELECTRIC AND GAS COMPANY,**
Use 260 Kuller Road, Block 16.01, Lot 40 – M-2 –
Variance: For preliminary and final major site plan approval
Variances along with conditional use D(3) and associated
bulk variances and waivers for upgrades to the
existing Kuller Road Substation. Pursuant to
NJSA 40:55D-46, NJSA 40:55D-50, and NJSA
40:55D-67, PSE&G plans to upgrade and modernize
the Station with the installation of a new 69kV
station, new equipment, and lightning protection.
Specifically, PSE&G will install two (2) new
69/4 kV transformers, a new Gas Insulated
Switchgear (GIS) Building with Control Room,
two (2) lightning masts, and upgrade the existing
fencing. In connection thereto, they are
requesting variances for building height and
minimum side yard setback. The Applicant
shall also apply for such variance relief,
exceptions, waivers, departures, permits or
other approvals or licenses that are deemed
necessary or appropriate by the Applicant or
the Board and which may arise during the
course of the hearing process. The Applicant
may also revise the plans pursuant to comments
made upon a review of the plans, testimony, and
other materials at the public hearing without
further notice.

Thomas Leane, Esq., of Connell Foley LLP, Harborside 5, 185 Hudson Street, Suite 2510, Jersey City, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were Steve Hansen, PE, with offices at 9400 Ward Parkway, Kansas City, MO, Senior Civil Engineer; David Karlebach, PP, with offices at 38 East Ridgewood Avenue #396, Ridgewood, NJ, Community Planning Consultant; Moses Famakinwa, PMP, with offices at 40 Cragwood Road, South Plainfield, NJ, Associate Project Manager; and Benjamin Mueller, PE, with offices at 200 Executive Drive, W. Orange, NJ, Acoustical Consultant. There were a number of interested parties: Edward MacDonald & Isabelle MacDonald, 38 Edward Court, Clifton, NJ; Donna Fairless, 30 Edward Court, Clifton; Joan Chromey,

46 Edward Ct., Clifton; and Rich Fairless, 30 Edward Ct., Clifton (names are typed as handwritten on sign-in sheet).

Mr. Leane stated that the applicant has submitted an application for preliminary and final site plan review, conditional use variance, and height and side yard setback variance for proposed upgrades of Kuller Road Substation.

Mr. Famakinwa testified as the Associate Project Manager and stated that Public Service proposes to upgrade and modernize the station by installing new public utility process equipment to improve system reliability and station capacity; that the work includes installation of a new 69 kV station with one gas insulated switchgear (GIS) building with a second floor control room and all associated relaying, supporting structures, disconnects, and bus; that there will also be installed two 69/4kV transformers, two lightning masts and replacing a small segment of fencing.

Offered into evidence were the following:

“A-1” which is a site plan showing the site in question in an M-2 zone, irregular in shape and located within 500 feet of a residential zone.

“A-2” are two photographs of the existing site and the conceptual site.

Mr. Famakinwa stated that one of the conditions of the conditional use is that the site in question is located within 500 feet of a residential zone; that the proposed improvement will take approximately 2½ years; that the proposed structures will meet all the requirements of the Public Utilities Commission and be in harmony with the character of the neighborhood, have adequate fencing and safety measures in place, not produce a traffic safety hazard, and provide adequate off-street parking to serve all employees.

The interested parties were concerned about quiet time during the 2½ year period of construction; that there is concern with the amount of dust, noise, hours of operation, and days of week concerning the construction of the project. Mr. Famakinwa stated that there will be no work done on the weekends and that if there are any objections, then Public Service has a Public Affairs Specialist, Jason Postorino with offices at 4000 Hadley Road, South Plainfield, New Jersey, Telephone No. 908-412-7489 and e-mail of Jason.Postorino@pseg.com.

David Karlebach testified as a Professional Planner and gave testimony concerning the general area and stated that the site is irregular in shape with frontage along Kuller Road; that the site backs up to a single-family residential area; that the site presently includes an existing substation and electrical utility lines which includes a metal building for dry storage, oil pumping plant, and a one-story masonry building; that a conditional use variance is required since the property is located within 500 feet of a residential district; that a building height variance and a side yard setback variance are also required; that public utility installations are permitted uses; that the public utility is an inherently beneficial use; that the use is appropriate and the site may accommodate the use; that the substation has been there for 30 years; that there will be no disruption of the existing buffer.

Offered into evidence as “A-3” is an exhibit showing the height of homes in relation to the height of the PSE&G property.

Mr. Karlebach continued to testify that the PSE&G property does not impose upon the residential property; that with respect to the negative criteria, there is no dust, smoke, vibrations, or noise from the proposed development; that the applicant will comply with all ordinances of the City of Clifton; that there is no traffic impact; that the driveways are able to accommodate entrances and exits; that there will be no removal of existing landscaping; that the proposal will benefit the public, and there will be no substantial detriment to the public good; that the location of the substation at the site is less intensive than other permitted uses in

the zone; that the proposal satisfies the goals of NJS 40:55-2; that the variances are necessary to effectuate the project.

Benjamin Mueller testified as an Acoustical Consultant and stated that contingency phase sound emissions will marginally increase existing site sound emissions at residences, but remain well below applicable code limits; that after the planned site improvements are complete, the site sound emissions will continue to comply with applicable code limits; there will be no acoustical impact at the nearby noise-sensitive receptors as a result of the site improvements. Mr. Muller stated that the applicant has submitted a report indicating the Evaluation of Upgraded Site Sound Emissions dated February 8, 2019, as part of its application.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that there be no work on Saturdays and Sundays and further that a Public Service representative who was previously identified in these Minutes shall respond to any issues raised by the residents. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six 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. **ELAZAR & HADASSAH GUTTMAN,**
Variance 41 Woodward Avenue, Block 50.11,
Lot 25 – RA2 – Applicant proposes a
rear one-story addition. A variance
is requested for the rear yard setback;
proposed at 30' where 35' is required.

This matter was continued to the May 1, 2019, meeting of the Board in order to comply with the notice requirements of the statute.

RESOLUTIONS

Chrmn Zecchino stated that the Board would act upon the Resolutions set forth on the Agenda.

1. Upon motion made by Comr Michael Molner, 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 RONALD & JULIE SEELOGY for rear yard setback variances for a second floor addition and widening the driveway 0 feet from the left side yard and 3 feet into the front of the house in an area not serving a garage at 43 New Brier Lane, Block 67.07, Lot 36, was adopted. RA3

2. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, 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 AVROHOM DOV & AVIGAYIL SCHECHTER for approval to erect a second floor addition over half of the existing house at 46 Patricia Place, Block 71.01, 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 HOWARD FISHMAN & SUZANNE FISHMAN for side and rear yard setback encroachments for an addition to the house located within the existing side and rear yard setbacks in place of the existing deck for which variances were previously granted at 480 Fenlon Boulevard, Block 58.09, Lot 34, was adopted. RA1

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, 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 JAREK SZWED for use variance of 1250 square feet of retail use in an existing mixed use building and parking variance within an M-2 zone at 86 Ackerman Avenue, Block 3.15, Lot 14, was adopted. M-2

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, 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 HERLINDA SEGARRA for rear yard setback variance for a two-story rear addition at 52 Forrest Way, Block 40.14, Lot 26, was adopted. RA3

6. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, 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 NATHAN & EMILY KAMELHAR for combined side yard setback variance and lot coverage variance for a new single-family home at 57 Allwood Place, Block 57.05, Lot 2, was adopted. RA3

COMMUNICATIONS

Chrmn Zecchino acknowledged receipt of a communication from the objectors of the CLIFTON CHEDER application, 1333 Broad Street, Clifton, New Jersey, and stated that the Resolution has been adopted and the applicants have the right to challenge the decision of the Zoning Board of Adjustment of the City of Clifton by filing an action with the Passaic County Superior Court.

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 APRIL 17, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AMERICAN ANALYTICAL ASSOCIATION for premises known as: 237 Dayton Avenue, Block 4.23, Lot 1.01 be and the same is hereby: GRANTED use variance for residential use in the PD-1 zone and mixed use.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 17, 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 proposes to reconfigure an existing structure to contain one commercial unit and four residential units at premises located at 237 Dayton Avenue, Block 4.23, Lot 1.01, which premises are located in a PD-1 zone; and

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

- a. The applicant requests use variance approval for a residential use and mixed use in the PD-1 zone;
- b. The premises currently contains a financial institution on the first floor, second floor office use, and two residential units on the third floor;
- c. The applicant proposes to convert the second floor office units into two residential units, resulting in a commercial use on the first floor and four residential units;
- d. There will be no exterior building additions and only interior renovations;
- e. Based upon the testimony of the applicant's planner, the applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. There are pre-existing deviations which include lot area per dwelling unit, lot area, lot depth, rear yard, building height, and number of stories, all of which are pre-existing;
- g. The applicant has shown sufficient hardship to justify the grant of the pre-existing variances;
- 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 and the proposal will be in harmony with the character of the neighborhood; and

WHEREAS, the Board further finds from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood since there is adequate parking based upon the testimony of the applicant's planner;

NOW THEREFORE, BE IT RESOLVED that the application for a reconfiguration of an existing structure to contain one commercial unit and four residential units at premises located at 237 Dayton Avenue, Block 4.23, Lot 1.01, be and the same is hereby approved and the use variance and pre-existing 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 ROY NOONBURG.

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

MEETING OF APRIL 17, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PUBLIC SERVICE ELECTRIC & GAS COMPANY for premises known as: 260 Kuller Road, Block 16.01, Lot 40 be and the same is hereby: GRANTED a conditional use variance for a utility installation and bulk variances for building height and side yard setback.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 17, 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 is seeking preliminary and final site plan approval, conditional use variance, and building height and side yard setback variances for proposed upgrades to the Kuller Road Substation to improve the reliability and station capacity at premises located at 260 Kuller Road, Block 16.01, Lot 40, which premises are located in an M-2 zone; and

WHEREAS, the Board did hear testimony from the applicant's experts, including the Project Manager, Planning Consultant, and Acoustical Consultant; and

WHEREAS, there were interested parties who testified as to their concerns regarding the proposed upgrading of the existing facility; and

WHEREAS, the Board did review a report from its Planning Consultant, Gregory Associates, dated April 11, 2019; and a report from its Engineering Consultant, Neglia Engineering Associates, dated March 27, 2019; and

WHEREAS, the Board, after hearing all the testimony presented by the applicant, the interested parties, and reviewing all the reports, has made the following factual findings:

- a. The applicant proposes to upgrade the existing facility to serve and protect the public by providing greater system reliability throughout the electrical grid serving the area;
- b. The site in question is irregular in shape and backs up to a single-family residence;
- c. The proposed substation will advance the purposes of the Municipal Land Use Law NJSA 40:55D-2A by encouraging the appropriate use of the existing station to serve and protect the public;
- d. Based upon the testimony of the applicant's planner, the proposed substation expansion will not detrimentally impact the public good nor impair the intent and purpose of the zone plan and the zoning ordinance;
- e. The nature of the use is inherently beneficial, and the applicant seeks to improve reliability, operability, and station capacity for its customers;
- f. The proposed substation will not adversely affect the health, safety, or welfare of the surrounding area;
- g. There will be no negative impacts to light, air, or open space;
- h. Due to the irregular shape of the property, the applicant has shown sufficient hardship to justify the grant of the bulk variances;
- i. The use is appropriate, and the site may accommodate the use since it has been there for 30 years;
- j. The proposed upgrades to the existing substation are less intensive than other permitted uses under the zone ordinance;

k. The conditional use variance, the building height variance, and the side yard setback variance are necessary to effectuate the project to serve and protect the public; 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; and

WHEREAS, based upon the testimony of the applicant's acoustical engineer, there will be no noise, dust, or other detriments to the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the proposal to upgrade the existing facility to include a new 69 kV station with one gas insulated switch gear (GIS) building with second floor control room along with appurtenant equipment as well as two 69/4 kV transformers, two lightning masts, and replacement of fencing at premises located at 260 Kuller Road, Block 16.01, Lot 40, be and the same is hereby approved and the conditional use variance, building height variance, side yard setback variance, preliminary and final site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

A. THAT THERE BE NO WORK CONDUCTED AT THE SITE ON SATURDAYS AND SUNDAYS;

B. THAT THE APPLICANT PROVIDE A PUBLIC AFFAIRS SPECIALIST TO BE AVAILABLE TO THE PUBLIC IN THE EVENT THERE ARE ANY ISSUES WITH THE PROPOSED UPGRADE AND MODERNIZATION OF THE SUBSTATION.

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 VICE-CHRMN GERARD SCORZIELLO.

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