

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, April 19, 2023. 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 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, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO AND CHRMN MARK ZECCHINO.

ABSENT: COMR.ZALMAN GURKOV.

Chrmn 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 Comr. Maureen O’Connor, the Minutes of the April 5, 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 Use Variance; Variance; Site Plan 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.

At the request of the attorney for the applicant, this matter was scheduled for further proceedings by the Board beginning on the May 3, 2023 meeting of the Board.

CONTINUED HEARINGS

1. **522 VALLEY ESTATES LLC**, 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist Use Variance; Variances The Applicant seeks approval to demolish the existing building and construct a new residential complex consisting of 20 townhouse/multifamily 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; 44.99 ft. proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and design waiver/exception relief, including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed); (2) Open space consisting of less than 25 ft. and located within 10 ft. of side or rear Property lines proposed where same is not permitted; (3) Soil proposed to be excavated in excess of 30% and on the cliff face where same is not permitted; (4) Vertical cut greater than permitted (15 ft. permitted; 56 ft. proposed); (5) Building coverage for over 30% slope area greater than permitted (0% permitted; 1.8% proposed); (6) Impervious surface (lot) coverage for over 30% slope area greater than permitted (0% permitted; 4.5% proposed); (7) Open space for 25.1-30% slope area less than required (50% required; 46.9% proposed); (continued)

(8) Open space for over 30% slope area less than required (100% required; 79.9% proposed); (9) Number of trees replaced less than required (87 trees required; 48 trees proposed); and (10) Ground sign proposed where same is not permitted. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, de minimis exceptions to the State of New Jersey Residential Site Improvement Standards, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (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 Board, the matter was continued until May 3, 2023 with no further notice required.

2. **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 May 3, 2023 meeting of the Board.

4. **MAIN FOOT AND ANKLE LLC**, 1610 Main St. & 80 W. 2nd 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 2nd 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 May 3, 2023 meeting of the Board.

5. **BANK OF AMERICA, NATIONAL ASSOCIATION**, 1045 Clifton Avenue, Block 41.04, Lot 2 – BA - The Applicant requests variance approval for signage improvements at the bank branch. Specifically, the Applicant proposes to replace the Bank of America sign in the white space on the building facing Clifton Avenue (Route 161), replace the Bank of America wall sign facing St. James Place, and install a new Bank of America monument sign near the road intersection. The other informational and wayfinding signage on site will also be updated. The Applicant requests a variance from Section 461-56.A of the City Ordinance to allow a total signage area of 143.4 square feet where the maximum area allowed for this site is 50.26 square feet. The Applicant also requests any additional variances, waivers, exceptions or other relief or approvals as may be required to permit the proposed development, or which may result from the recommendations of the Zoning Board in its review of the application.

Thomas Letizia, Esq., of Troutman Pepper, with offices at 301 Carnegie Center, Suite 400, Princeton, New Jersey 08540, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Matthew Seckler, of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, an engineer.

Vice Chairman Scorziello recused himself from this matter. There were no objectors.

This matter arises from an application which was originally scheduled to be heard by the Board during its April 5, 2023 regular meeting. At the request of the applicant, the matter was continued until this evening. A revised site plan has been submitted which modifies the original scope of the Project and the variances requested.

The Board is in receipt of: Engineering Review No. 1 from its Engineer, Neglia Engineering Associates dated March 29, 2023; Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated March 26, 2023; and Planning Review No. 2 from its Planner, Graviano & Gillis Architects & Planners LLC dated April 12, 2023.

Mr. Letizia provided background regarding the Property. He stated that the applicant was seeking a variance for new signage due to Bank of America's national effort to rebrand. Mr. Letizia explained that the initial submission was made to the Planning Board due to a minor site plan change due to external improvements. Ultimately, such improvements which required a minor site plan change were deemed unnecessary and the applicant is not seeking to change the site plan. Instead, the applicant is only seeking a C variance for signage.

Matthew Seckler, an engineer, provided testimony on behalf of the applicant. Mr. Seckler stated that there are minor upgrades being made to the general site which are not part of this application. Mr. Seckler stated that the subject of this application required the replacement of two signs on the Property which are slightly larger. The location of the signage will remain the same.

Mr. Seckler testified that the proposed signage will display Bank of America on the center of the building. Previously, the logo for Bank of America was beneath the text and it will now be above the text. This is a national branding change, which contains a slight change of font. The text of the name will now be all uppercase letters. Due to the change in font and case, the signage is slightly larger. The actual text will not change.

Mr. Seckler addressed the St. James approach. The modifications will be similar to the other signage. The only difference is the addition of a white background on the sign in order to improve legibility of the sign along the brick façade. He explained that this sign is more important due to the entrance of the bank. Other than the white background, the sign on the St. James approach is the same as the Clifton Avenue approach.

Mr. Seckler testified that the signage is more legible and is an enhancement as it provides better readability. Mr. Seckler stated that the maximum square footage is 50.26 sq ft and that an original variance was provided. The new changes are a de minimus change from the previous variance which was approved by the Board. Mr. Seckler explained that the benefits to this application outweigh any detriments.

Mr. Letizia offered a closing statement stating that the applicant was seeking a single variance that can be granted without substantial detriment to the zone and zone plan.

Comr Molner stated that the size is being maintained. Comr. Foukas expressed gratitude for the application and stated that it was well done

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

NEW HEARINGS

1. **KLEBER MOLINA**, 143 Valley Road, Block 14.20, Lot 8 – B-B –
Variances The applicant is looking for relief to finish construction of a rear dormer which requires the following variances; dormer creates 3rd story where only 2 stories are permitted and expansion of existing nonconforming use in the zone.

The applicant, residing at 143 Valley Road, Clifton, New Jersey was present and sworn. Also present was Claudia Molina, the applicant's wife. There were no objectors.

The applicant testified that he wants to create a dormer in order to add space for central air. The size of the dormer is 24 x 28. He is doing construction of the dormer by himself.

Chrmn Zecchino asked why construction was started without proper permits. The applicant testified that it was his mistake.

Comr Foukas asked if the person doing the AC and ductwork pulled the proper permit. The applicant stated he is doing it himself and that is why there are mistakes.

Comr. Sochon is asking why a dormer is necessary for a central AC unit. The applicant stated that the unit is too close to the stairs and the dormer would provide more space and the dormer will be where the unit is placed.

Comr. Molner asked why the unit cannot be fit into the existing space without a dormer. The applicant explained that it is in the center of the room. Comr. Molner explained that the plans do not reflect a lack of space. The applicant stated that he does not want to reduce the amount of space in the attic.

Comr. Sochon asked if the attic is sheet rocked and finished. The applicant stated that there is sheet rock and that he may want to create a bedroom.

After a review of the testimony, Comr. Michael Molner moved to deny the application citing the fact that the applicant is seeking to create a 3rd story living space where such is not permitted in the zone. and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon. Voting in favor of denying the application were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas and Chrmn Mark Zecchino. Voting against denying the application was Vice Chairman Gerard Scorziello. By a six to one vote, the motion carried and the application was denied in the form as more fully appears at the end of these Minutes.

2. **MENDEL & MENUCHA NOROWITZ**, 122 Patricia Place, Block
Variances 71.01, Lot 28 – RA3 – The applicant is proposing a second floor addition to an existing one family home which requires the following variances; front yard setback proposed at 23.5' where 25' is required, lot coverage proposed at 31.12% where 27% is required.

The applicants, residing at 122 Patricia Place, Clifton, New Jersey was present and sworn. Present on behalf of the applicant and sworn to give testimony were the following: William J. Martin, AIA of WJM Architect, 25 Boulevard, Westwood, New Jersey 07675, an architect and planner. There were no objectors.

Mr. Martin testified on behalf of the applicant. Mr. Martin provided background on the property and the zone. The existing dwelling is a cape cod with a rear addition and deck. He explained that the property is 1.5 stories. The applicant is seeking to remove the roof and place a second floor over the existing footprint, and add a portico on the front of the house. The applicant is seeking variances regarding lot coverage and front yard setbacks. The rear and side yard will not change.

Mr. Martin reviewed the variances sought. He explained that due to the curve of the street, the lot is oddly sized. He explained that there are a number of existing non conformities, including one for lot width, minimum rear yard, and side yard setback. Both of such non conformities will not change.

Mr. Martin stated that the lot coverage and front setback are currently an existing nonconformity which will be slightly enhanced due to the roof on the portico. He expressed that the shape of the lot creates the need for the variances and it is not the fault of the applicant. He testified regarding the positive criteria and that the improvements to the dwelling will be an aesthetic improvement to the neighborhood. He also testified that second floors are not unique in this zone and neighborhood. Mr. Martin testified regarding the negative criteria and explained that there is no change to the use, no additional light exposure, or traffic.

Chrmn Zecchino asked about laundry space in the attic and bathroom in the basement. Mr. Martin stated that the modifications of the application will allow for the removal of the basement bathroom. Ms. Bolcato confirmed her discussions with the applicant regarding removal of the basement bathroom as the bathroom was constructed illegally, but stated that the laundry in the attic is permitted.

Comr. Eramo asked about the front yard setback and the depth of the portico. Mr. Martin testified that the portico platform is 4 feet deep.

After a review of the testimony, Comr. Scott Sochon moved to grant the application on the grounds that most of the variances requested are existing nonconformities and the new portico is not a substantial detriment. He instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Vice Chairman Gerard Scorziello. Voting for approval were Comrs. Alessia Eramo, Maureen O'Connor, 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. **KELI TEICHMAN**, 409-411 South Parkway, Block 58.60, Lot 7 – RA2 – The applicant is proposing an addition in the rear of the home as well as a new covered front porch entry that requires the following variances; front yard setback proposed at 22.9' where 25' is required, rear yard setback proposed at 26.7' where 35' is required, and maximum lot coverage proposed at 34% where 27% is required.

The applicant, residing at 409-411 South Parkway, Clifton, New Jersey was present and sworn. Also present and sworn was the applicant's husband, Robert Teichman.

The applicant testified that she is seeking to create a two story addition at the rear of the home and a new front porch which encroaches on the setback requirements in the front yard, rear yard, and maximum lot coverage.

After a review of the testimony, Vice Chairman Gerard Scorziello 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 in favor of the Motion to approve the application were Comrs. Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino. Voting against the Motion to approve the application was Comr. Alessia Eramo. By a six to one vote, the motion carried and the application was granted in the form as more fully appears at the end of these Minutes.

4. **ZACKARY WILDER**, 74 Patricia Place, Block 71.07, Lot 17 – RA3 – The applicant proposes to convert the existing attached garage into living space. The garage door will remain and a variance is required for a driveway in front of the home not serving a garage.

The applicant, residing at 74 Patricia Place, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified he wants to convert the garage into living space for purposes of an office. The need for this change is due to their growing family and access to work space and laundry facilities.

Chrmn Zecchino asked if the applicant did construction on the house or if the applicant purchased it that way. The applicant testified that they purchased it that way.

Comr. Molner asked if the garage door will be retained. The applicant confirmed that the door will be retained. Comr. Molner suggested adding a wall behind the garage door. The applicant thanked him for his suggestion.

As a condition of approving the property, the Board instituted the following stipulations: the applicant will construct bollards on the interior wall or additional concrete curbing on the outside of the garage door to prevent the possibility of an errant car from driving into the former garage space.

After a review of the testimony, Comr. Michael Molner moved to grant the application with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon. Voting for approval were Comrs. Alessia Eramo, Maureen O'Connor, 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. **MIGUEL CABRERA**, 72 Arthur Street, Block 4.02, Lot 14 – R-B2
Variances – The applicant is seeking approval to modify an existing detached pergola located in the backyard in compliance with the applicable city ordinances in accordance with the plans submitted with this application. The ordinance provides for a maximum of 25% coverage (775 square feet) where the applicant is seeking coverage of 38.65% (1,376.89 square feet). All of the requested variances are pre-existing and the applicant is not seeking to expand any of the said variances.

Alfred Acquaviva, Esq., of Acquaviva Law Offices, LLC, with offices at 1114 Goffle Road, Suite 203, Hawthorne, New Jersey 07506, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Douglas Asral, of ASral Architect, 9, Whippany Road, Unit B2-4, Whippany NJ, an architect.

There were no objectors.

Mr. Acquaviva testified that the pergola was constructed prior to his representation of the applicant and that the applicant is seeking to revise his prior mistake.

Mr. Asral testified that he did not prepare the plans but that they were prepared by his colleague and that he was here on his behalf. He testified that the pergola is going to be shifted and will create an increase in the lot coverage of 179 sq ft. He testified that there is no change in size, volume, or general use. He testified that the structure is an accessory building.

Chrmn Zecchino expressed concern over the roof line hanging over the property line. Mr. Asral testified it is going to be cut so that it will not impede on the neighbors property, and that there will be gutters directing water flow away from any neighbor property. He testified that the only nonconformity would be the lot coverage and that construction will be done to eliminate any prior issues or problems.

Comr. Molner asked if the building will be moved to comply with rear and side yard setbacks. Mr. Asral testified confirmed that this would occur.

Comr. Eramo asked what is the purpose of the pergola. Mr. Asral testified that it is recreation. Comr. Eramo asked about the lot coverage without the pergola. Mr. Asral testified that the pergola is responsible for almost the entirety of the additional lot coverage.

Mr. Acquaviva stated that the applicant is attempting to fix his prior error as the construction was done without knowledge of the need for variances which he wants to correct.

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. Maureen O'Connor. Voting for approval were Comrs. Alessia Eramo, Maureen O'Connor, 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.

6. **ARISEB PROP. LLC**, 88 Center Street, Block 4.07, Lot 28 – R-B3
Use Variance; – The applicant seeks to change the existing use of the R-B3 Zoned
Variances Building from 1st Floor Business/ Bar & 2nd and 3rd Floor Residential to a proposed 1st Floor Mixed Use consisting of a 1 1st Floor 1 Br Section 8 Apartment/ Walk Up Community Laundromat and 2nd & 3rd Floor Residential (No Change on 2nd & 3rd Floor). Relief is being requested to seek a variance to allow to convert the existing inactive Business/ Bar to a mixed use 1 BR apartment/ Walk up Community Laundromat to service the local community..

Jennifer Portorreal, owner of Ariseb Prop LLC, stated that she is the sole owner of the applicant LLC and would be representing herself in this application. Present on behalf of the applicant and sworn to give testimony were the following: Brolio Rossi, of 478 Ridgedale Avenue, East Hanover, NJ 07936, an architect in training who works with licensed architect Nicolas Salerno at the same office; and Matthew Seckler, of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, an engineer.

There were no objectors.

The Board is in receipt of: Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated April 12, 2023.

The applicant testified she purchased the property 5 months ago and that the lower level was previously a bar. The lower level is not being used as a bar. She stated that all other existing tenants remain. She is proposing to change the lower level to be converted partially into a small laundromat and partially into a small apartment.

The applicant expressed concern that no one has been able to tell her what she can do with this property because it has been vacant for a long time. She stated that the high density of the area presents a need for a laundromat. She discussed the existing foot traffic and that the surrounding residential properties do not have washers and dryers on site.

Comr Foukas stated that this application is necessary for the neighborhood and applauded the applicant for her efforts.

Mr. Seckler testified the applicant has a hardship as any other use would impact the density requirements. He testified that there are conflicting regulations that would prevent both residential and commercial use. He testified that the applicant's desired use would be beneficial to the neighboring property. He testified that there are multiple C variances which are needed, which would be needed for any purpose.

Vice Chrmn Scorziello asked about parking requirements. Ms. Bolcato responded that there would 2 spots required.

Comr Sochon asked if the property is parking self sufficient. Mr. Seckler confirmed that it was. Nick Graviano, of Graviano & Gillis Architects & Planners LLC, the Board's Planner, stated that there was a need for 10 spots in the building and that he would recommend that, as a condition of approval, the garage spots will be used for parking as opposed to storage.

Comr. Foukas stated that this property predates the need for parking.

Comr. Eramo asked if spots were necessary for employees, and if the laundromat would have employees. The applicant stated that the only employees would be herself and one other person.

Mr. Graviano requested that the applicant provide testimony regarding hours of operation and how refuse will be addressed. The applicant testified that the laundromat would be open 7 days a week from 7 am to 8pm. The applicant stated that there will be onsite recycling and does not anticipate significant trash.

Comr. Foukas asked about whether the city or a private hauler. The applicant testified that the city is responsible for garbage.

Brolio Rossi, of Nicolas Salerno Architects, testified as the applicant's architect. Mr. Rossi explained that he is not currently licensed but is working for and under licensed architect Nicolas Salerno. Mr. Rossi offered the following exhibits:

Exhibit A-1 – Proposed Elevations

Nick Graviano, of Graviano & Gillis Architects & Planners LLC, the Board's Planner, stated that the proposed Exhibit presented was additional modifications made in response to his report.

Mr. Rossi testified that the applicant will propose new fabric signage over doorways and windows on the first floor.

Comr. Molner asked if the laundromat will be ADA compliant. Mr. Rossi testified that there is an alleyway alongside the building and that a ramp will be placed in such alleyway to allow ADA access. Such access would also be used in the event of a handicapped tenant.

The applicant stated that there are a number of bars in the area and she is not looking to perpetuate that use. Her goal is to create a business that will be longstanding and will serve the needs of the community. The applicant stated she has extensive construction experience and that construction would commence as long as permits are issued.

Mr. Graviano requested testimony regarding Treatment Works approval. Mr. Rossi stated that the approvals had not been secured. Mr. Graviano stated that as a condition of approval, the Board should adopt a stipulation that the applicant will work with the Planner to ensure that all required approvals will be secured.

Mr. Graviano also recommended stipulations regarding signage, elimination of roll up bars on the windows. The applicant stated that roll up bars on the windows are preferred for security, but she will comply with the requirements imposed by the Board. She expressed a preference that they be opened during business hours.

Mr. Graviano also recommended stipulations regarding limitations on the sale of goods at the laundromat. The applicant agreed.

As a condition of approving the property, the Board instituted the following stipulations: all signage to be constructed will be consistent with Exhibit 1, which includes the requirement that no neon lights will be utilized to frame windows; the applicant will receive confirmation that the sewer line can handle the use of the laundromat; the applicant will work with the Board's Planner, Graviano and Gillis, to coordinate approval of outside agencies; hours of operation of the laundromat will be 7 days a week from 7 am to 8 pm; and there will be no sale of products other than laundry supplies.

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. The motion was seconded by Comr. Scott Sochon. Voting for approval were Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, who commented that this would be a good addition to the neighborhood, 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.

7. **CRP / CHI CLIFTON OWNER, LLC**, 558-600 Getty Avenue, Site Plan; Use Block 9.04, Lot 22 – M-3 – The applicant seeks preliminary and final Variance; Variances Variance; Variances Block 9.04, Lot 22 – M-3 – The applicant seeks preliminary and final site plan approval for the construction of a new 186,577 square foot warehouse facility, a conditional use in the district. The applicant requests the following variances: (1) maximum height of accessory structure (pump house) will be 35 feet where 20 feet is allowed; (2) maximum building height will be 43.15 ft where 40 ft is allowed; (3) off street parking and drive aisles within the front yard where no parking of driveways within the front yard is allowed (4) ground sign (monument) will be in front yard setback and no ground sign is allowed in the front yard setback; (5) LED lighting where high pressure sodium is required; (6) conditional use variance under 40:55D-70d(3) and (7) any and all variances that the Board may deem necessary or the applicant may require.

Joseph Wenzel, Esq., of Friend and Wenzel, with offices at 1000 Clifton Avenue, #101 Clifton, New Jersey 07013, appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Aaron Chan, PE of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, an engineer; Sean Naeger, RA, of M&H Architects, 12747 Olive Blvd., Suite 150, St. Louis, MO 63141, an architect; Matthew Seckler, of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, a traffic engineer; and Thomas Ricci, PP, of Stonefield Engineering & Design, LLC, 92 Park Avenue, Rutherford, New Jersey 07070, a planner.

There were no objectors.

The Board is in receipt of: Engineering Review No. 1 from its Engineer, Neglia Engineering Associates dated March 20, 2023; and Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated March 24, 2023.

Mr. Wenzel provided background about the project. He explained that the applicant is seeking to construct a single use warehouse facility. The applicant is seeking preliminary and final site plan approval, certain D variances, and certain C variances as necessary.

Aaron Chan, of Stonefield Engineering, testified as the applicant's engineer. Mr. Chan offered the following Exhibits:

Exhibit A-1 – Aerial Exhibit, March 23, 2023

Exhibit A-2 – Site Plan Colored Rendering

Mr. Chan testified regarding the current site. Mr. Chan testified that the applicant is proposed to construct a warehouse facility of approximately 186,000 sq ft. He testified that the applicant will slightly reduce the size of the existing building. There are a total of 6 current curb cuts. 2 curb cuts are located on Crooks avenue, and 4 are located on Getty avenue. and the applicant is proposing to consolidate those into 3 total curb cuts. One of the driveways will be reserved for truck use, which will be slightly oversized along the southern side of the Property. He testified that this is a standard process for a property of this kind. The goal is to reduce the number of decision points to improve flow. He testified that the passenger car parking along the frontage will be near the entrances of the property, and that loading docks will be along the back side of the property to utilize the train tracks as a buffer.

Mr. Chan stated that the purpose of the design would be to separate the location of the parking spots from the loading docks. Mr. Chan testified that the applicant will exceed its parking requirements.

Mr. Chan testified regarding the construction external water tank to ensure that adequate water volume and pressure will be provided to suppress fires. He testified that the Fire Marshall issued a report supporting the addition of this external tank. Such report is dated approximately April 12, 2023. MR Chan testified that there was consideration given regarding the landscaping and location regarding the water tank.

Mr. Chan addressed signage issues. The proposed condition would be the addition of monument sign along Getty Avenue, which will be half the size of an existing monument sign.

Mr. Chan testified regarding landscaping. He testified that there will be impervious coverage in the amount of nearly one full acre. He testified that there is a positive impact regarding the reduction of stormwater runoff. The landscaping plan will be a 365 day landscaping buffer along the exterior of the property, which includes shrubs and shade trees along the parking area to reduce the impact of head light impact along the neighborhood. He testified that there approximately 59 shade trees in the parking area.

Comr. Foukas asked about the property along the intersection of Crooks and Getty. Mr. Wenzel stated that the application is for Lot 22, and any other lots are not involved in this application. Comr. Foukas expressed concern about hearing multiple applications on this property, and Mr. Wenzel stated that this applicant is seeking a wholesale renovation of this property and, hopefully, the final iteration of any modifications.

Mr. Chan acknowledged receipt of Neglia's review letter and acknowledged that the applicant is willing to comply with the Engineer's comments contained therein.

Mr. Chan acknowledged receipt of Graviano and Gillis' letter and acknowledged that the applicant is willing to comply with the Planner's comments contained therein.

Nick Graviano, of Graviano & Gillis Architects & Planners LLC, the Board's Planner, commented that in an application where there are parking spots with a low turnover, additional landscape buffering may want to be considered. This would assist in reducing impervious coverage. Mr. Graviano also recommended that all future signage be uniform and back lit. Mr. Wenzel stated that the 9x18 issue will be addressed and agreed to by the applicant and there will be additional pervious grass and other forestry.

Comr. Molner asked what size trailers can be accommodated on this site. Mr. Chan testified that the site is designed for large tractor trailers.

Comr. Eramo asked about the amount of pervious coverage to be added. Mr. Chan testified that 1 acre of pervious coverage is being added along the perimeter due to the addition of green space. Comr. Eramo asked about the use of pavers. Mr. Chan testified that pavers are being included.

Comr. Eramo asked about the water tower and power. Mr. Chan testified that there will be a pump installed. Comr. Eramo asked about the tenant. Mr. Wenzel stated that there will likely be a single tenant who has not yet been identified.

Sean Naeger of M&H Architects, testified as the applicant's architect. Mr. Naeger provided a description of the overall building. Mr. Naeger testified that the building will comply with all ADA requirements. Mr. Naeger testified regarding the coloration of the property. Mr. Naeger also addressed the creation of windows which will add natural light into the facility to benefit the employees inside. Mr. Naeger testified that the applicant is seeking a variance regarding building height.

Mr. Naeger testified that all rooftop equipment will be well hidden and screened, resulting in full compliance with all sound ordinances. Mr. Naeger addressed the size of wall signage. Mr. Naeger testified that any business sign will be part of a future tenant package, and that the monument sign included within the application is a concrete panel with detailing that will complement the building,

Mr. Naeger testified regarding the fire tank and the size of the tank and the pump house. Mr. Naeger stated that he has been discussing the tank with the Board's professionals. He addressed the elevations of the fire tank. He addressed the possibility of adding a mural to the side of the tank. Mr. Naeger testified that uniformity regarding signage and that the applicant will comply with the Planner's requirements, even if there are multiple tenants. Mr. Graviano also recommended that the signage be moved back a little, and the applicant agreed.

Mr. Graviano asked how the RTUs will be screened. Mr. Naeger testified that the RTUs will be placed approximately 60 ft from the rear of the property, and that the parapet walls will screen the units. Mr. Graviano asked about the height of the parapet walls, and Mr. Naeger testified that the parapets are approximately 3.8 feet high.

Matthew Seckler, of Stonefield Engineering, testified as the applicant's traffic engineer. Mr. Seckler testified that the number of driveways along Getty Avenue will be reduced from 4 to 2 and that the number of driveways along Crooks will be reduced.

Mr. Seckler testified that the truck driveway will only be accessed by one way turn in and out. He stated that the applicant specifically selected the driveway design and positioning based on the regional road use. Mr. Seckler stated that all tractor trailers will be able to pull all the way into the property and that trucks will be able to turnaround and maneuver freely within the site. Mr. Seckler testified that the design of the site would reduce the amount of traffic and activity at the site. He explained that the current uses were creating prolific traffic throughout the day, and that the proposed construction would reduce traffic and siphon it to particular times throughout the day.

Mr. Seckler testified that the amount of activity on nearby roadways will be reduced. Mr. Seckler stated that the tractor trailers that will be able to move freely throughout the site are larger than any emergency vehicles, so there would be no issue for emergency vehicles. He acknowledged that the applicant would agree to add any fire lanes or stalls as necessary.

Mr. Seckler testified that there are other industrial uses in the area which use the same roadways as the applicant.

Comr. Molner asked if there would be an issue if refrigerator trailers were idling in the site. Mr. Seckler stated that all idling regulations would need to be complied with. Mr. Seckler also testified that there is 130 ft of pavement and 10 feet of grass area between the building and the railroad tracks on the backside of the property. He further testified in areas where there are neighboring buildings closer, there would not be a place for trucks, such as a refrigerator truck, to idle. Mr. Wenzel stated that the areas would be appropriately marked to clarify where parking is permitted.

Anthony Kurus, of Neglia Engineering, the Board's Engineer, asked about the possibility of vans on the property. Mr. Seckler confirmed that smaller trucks could be used and would also use the back area. He testified that the front area would be used solely for employee parking. Mr. Kurus discussed reducing the size of the parking stalls from 19 to 18 feet.

Thomas Ricci, of Stonefield Engineering, testified as the applicant's planner. He testified that the property is currently a multi-use property with multiple tenants. He stated that the applicant wants to bring the site back into compliance with the zone. He stated that warehouses are permitted conditional uses in this district.

Mr. Ricci testified regarding bulk requirements which are not met. He testified that the building site is below a 10% increase so it is treated as a C variance. He stated that the building height is due to the nature of the building type, as a warehouse requires certain equipment which must fit within the building.

Mr. Ricci addressed parking in the front yard. He stated that the applicant seeks to ensure the actual truck traffic will be in the back, which requires parking in the front and the side. He stated that this design would create a safer operation for all employees on site.

Mr. Ricci addressed the ground sign setback. He stated that there is a significant distance between the front lot line and the curbline. He stated that the purpose of the signage would be to provide notice to drivers, and that the current position facilitates that purpose.

Mr. Ricci testified regarding the fire pump building height, and that the size of this pump would be necessary to support the fire suppression system. He testified that the heightline is not impacting any nearby residences.

Mr. Ricci addressed the D3 burden of use that the site is appropriate for warehouse use. Mr. Ricci testified that the applicant's proposal is made with consideration as to operations and safety and that the bulk variances are not complied with due to safety reasons. Accordingly, it is his testimony that this site is appropriate for the use.

Mr. Ricci testified that the benefits outweigh the detriments due to safety reasons. Mr. Ricci testified that warehouses are high in demand and is sustainable, which is in line with the master plan. Mr. Ricci stated that this use was contemplated and approved conditionally by the governing body, and any negative impact to the community is minimal. Mr. Ricci stated that all business activity is shaded behind the building and along the back line of the property where there are train tracks.

Mr. Wenzel asked about LED lighting and Chrnm Zecchino stated that a revised ordinance has been adopted by the City, eliminating the need for testimony on this issue.

Mr. Graviano recommended that all variances be considered as D3 variances for purposes of the resolution.

Comr. Eramo asked about screening for the water tower. Mr. Ricci stated that there are various trees and shrubs. Mr. Graviano confirmed that the applicant has agreed to work with his office on this property and the water tower.

Comr. Eramo asked about irrigation for the landscaping. Mr. Wenzel confirmed that the applicant will comply with all requirements and ordinances to maintain the site. Anthony Kurus, of Neglia Engineering, the Board's Engineer noted that the applicant's landscape plan contained irrigation systems.

Mr. Wenzel provided a closing statement that addressed that the property is located in and will continue to serve as an industrial area.

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. Alessia Eramo, Maureen O'Connor, Scott Sochon, who commented that the application was well thought out, Michael Molner, who commented that the application creates an attractive building, 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

Chrnm Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Scott Sochon, seconded by Comr Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrnm Mark Zecchino, the Resolution GRANTING the application of DAVID VELASCO for a rear yard setback variance to construct a two story addition for premises located at 81 Mac Arthur Drive, Block 63.01, Lot 13, was adopted.
2. Upon motion made by Comr. George Foukas, seconded by Comr Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrnm Mark Zecchino, the Resolution DENYING the application of FRANKLIN PECHO for a request for rear, side, and combined side yard set back variances to complete a second floor renovation and add stairs in the rear of the home for premises located at 53 Center Street, Block 4.16, Lot 14, was adopted.

3. Upon motion made by Comr Michael Molner, seconded by Comr Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of CARLOS LANGE for a request for a variance to permit a 440 sq. ft two story garage, and rear and side yard set backs variances to complete construction on a partially built two car covered garage for premises located at 473 Highland Avenue, Block 21.04, Lot 5, was adopted.
4. Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KAREN ESPINAL for a use variance to operate an after-school program in combination with a dance/etiquette school on the first floor of a preexisting mix-use building, and a parking variance as only four spaces are proposed and seven are required for premises located at 430 Clifton Avenue, Block 12.02, Lot 17, was adopted.
5. Upon motion made by Comr George Foukas, seconded by Comr Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the request of LILIANA OLTALVARO to carry for 90 days until April 19, 2023 the approval of variances for lot width, lot area, left side line setback variance, and variance for 3 stories to demolish an existing single-family home and erect a new two-family home for premises located at 610 Gregory Avenue, Block 13.13, Lot 4, was adopted.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.
COUNSEL SECRETARY

MEETING OF APRIL 19, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **BANK OF AMERICA, NATIONAL ASSOCIATION**
for premises known as: **1045 Clifton Avenue, Block 41.04, Lot 2**
be and the same is hereby: **GRANTED variance approval for signage improvements at the bank branch, which include the replacing of two existing signs and the construction of a new monument sign.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 variance approval for signage improvements at the bank branch, which include the replacing of two existing signs and the construction of a new monument sign; and

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

- a. The applicant proposes to replace the Bank of America sign on the building placing Clifton Avenue, as well as the Bank of America wall sign facing St. James Place; and
- b. The applicant also proposes to construct a new monument sign near the road intersection; and
- c. The maximum total signage area allowed for this site is 50.26 square feet and a total signage area of 143.40 square feet is requested;
- d. The purpose for this signage change is due to a nation-wide re-branding effort by Bank of America; and
- e. The applicant's experts testified that the signage is slightly larger due to the size and change in letter case, and that the actual text on the existing signage will not change; and
- f. The applicant presented testimony that the sign changes will also improve legibility for drivers;
- g. The proposed changes to the existing sign are de minimus;
- h. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- i. 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 for variance approval for signage improvements at the bank branch, which include the replacing of two existing signs and the construction of a new monument sign for premises located 1045 Clifton Avenue, Block 41.04, Lot 2, 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:
Seconded by:
Affirmed by:

Comr. MICHAEL MOLNER
Comr. GEORGE FOUKAS
Comrs David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.

MEETING OF APRIL 19, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **KLEBER MOLINA**
for premises known as: **143 Valley Road, Block 14.20, Lot 8**
be and the same is hereby: **DENIED** request for variances to complete construction on an attic dormer which would create a third story where only two stories are allowed.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variances to complete construction on an attic dormer which would create a third story where only two stories are allowed; and

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

- a. The applicant requests variances to complete construction on an attic dormer which would create a third story where only two stories are allowed; and
- b. The applicant commenced construction on an attic dormer to add space for central air conditioning; and
- c. The applicant testified that he is completing construction on his own; and
- d. The applicant testified that the dormer is necessary to provide more space in the attic; and
- e. The applicant testified that the attic is sheet rocked, finished, and the applicant may wish to use the space as a small bedroom; and
- f. The current ordinances prohibit the construction of a third story; and
- g. The Board has not found any special reasons or sufficient hardship to justify the granting of this application; and
- h. The detriments of the application outweigh the benefits, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds from the testimony presented that the proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the request for variances to complete construction on an attic dormer which would create a third story where only two stories are allowed for premises located at 143 Valley Road, Block 14.20, Lot 8, is hereby denied.

Resolution moved by: Comr. MICHAEL MOLNER
Seconded by: Comr. SCOTT SOHON
Affirmed by: Comrs Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.

MEETING OF APRIL 19, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **MENDEL & MENUCHA NOROWITZ**
for premises known as: **122 Patricia Place, Block 71.01, Lot 28**
be and the same is hereby: **GRANTED approval for front yard and lot coverage variances to construct a second floor addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 seeking front yard and lot coverage variances to construct a second floor addition; 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 second floor addition by removing the roof and placing the second floor over the existing foot print, while adding a portico on the front side of the home; and

b. The proposed construction requires a front yard setback variance for 23.5' feet where 25' is required; and

c. The proposed construction also requires a lot coverage variance for 31.12% proposed coverage where 27% is required; and

d. The applicant's expert testified that due to the lot size and shape, existing nonconformities related to lot width, rear yard, and side yard setbacks exist and will not be changed by this application; and

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

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

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

WHEREAS, the Board further finds that 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 for front yard and lot coverage variances to construct a second floor addition for premises located at 122 Patricia Place, Block 71.01, Lot 28, 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: Vice Chrmn. GERARD SCORIZELLO
Affirmed by: Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino

MEETING OF APRIL 19, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **KELI TEICHMAN**
for premises known as: **409-411 South Parkway, Block 58.60, Lot 7**
be and the same is hereby: **GRANTED approval for front yard setback, rear yard setback, and maximum lot coverage variances to construct a rear addition and new covered front porch.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 seeking front yard setback, rear yard setback, and maximum lot coverage variances to construct a rear addition and new covered front porch; 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 addition in the rear of the property and a new front porch; and
- b. The proposed construction requires a front yard setback variance of 22.9' where 25' is required; and
- c. The proposed construction requires a rear yard setback variance of 26.7' where 35' is required; and
- d. The proposed construction also requires a lot coverage variance for 34% proposed coverage where 27% is required; and
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds that 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 for front yard setback, rear yard setback, and maximum lot coverage variances to construct a rear addition and new covered front porch for premises located at 409-411 South Parkway, Block 58.60, Lot 7, 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 SCORIZELLO
Seconded by: Comr. MAUREEN O'CONNOR
Affirmed by: Comrs. Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino

MEETING OF APRIL 19, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ZACKARY WILDER
for premises known as: 74 Patricia Place, Block 71.07, Lot 17
be and the same is hereby: GRANTED a variance for a driveway in front of a home not serving a garage in order to convert the existing garage into living space.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 seeking a variance for a driveway in front of a home not serving a garage in order to convert the existing garage into living space; and

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

- a. The applicant testified that he seeks to convert his existing garage into living space to create an office; and
- b. The applicant testified that the external garage door will be retained; and
- c. The applicant has stipulated that he will construct bollards on the interior wall or additional concrete curbing outside of the garage door to prevent an errant car from driving into the garage; and
- d. The applicant has shown sufficient hardship to justify the grant of the variance 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a variance for a driveway in front of a home not serving a garage in order to convert the existing garage into living space for premises located at 74 Patricia Place, Block 71.07, Lot 17, 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:

Seconded by:

Affirmed by:

Comr. MICHAEL MOLNER

Comr. SCOTT SOCHON

Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF APRIL 19, 2023.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MIGUEL CABRERA for premises known as: 72 Arthur Street, Block 4.02, Lot 14 be and the same is hereby: GRANTED a lot coverage variance to modify an existing detached back yard pergola.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 seeking a lot coverage variance to modify an existing detached back yard pergola; and

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

a. The applicant's expert testified that the applicant previously constructed a pergola without any permits or approvals, and said pergola was not constructed in compliance with the existing zone plan or ordinances; and

b. The applicant seeks to correct his mistake and modify his prior construction and alter the pergola to ensure compliance with the existing zone plan; and

c. The applicant's expert testified that pergola is going to be shifted and will create an increase in the lot coverage of 179 sq ft. requiring a variance but there no change in size, volume, or general use; and

d. The applicant has shown sufficient hardship to justify the grant of the variance 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 proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a lot coverage variance to modify an existing detached back yard pergola for premises located at 72 Arthur Street, Block 4.02, Lot 14, 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:

Seconded by:

Affirmed by:

Comr. MICHAEL MOLNER

Comr. MAUREEN O'CONNOR

**Comrs. Alessia Eramo, Maureen O'Connor, Scott Sochon,
Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello
and Chrmn Mark Zecchino.**

MEETING OF APRIL 19, 2023.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **ARISEB PROP. LLC**
for premises known as: **88 Center Street, Block 4.07, Lot 28**
be and the same is hereby: **GRANTED** a use variance and various bulk variances to modify the existing use to a first floor mixed use for an apartment and community laundromat.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 Scorzeillo moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is seeking a use variance and various bulk variances to modify the existing use to a first floor mixed use for a first floor apartment and community laundromat; and

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

a. The applicant testified that the property consists of three floors, with the first floor serving as commercial property formerly consisting of a bar, and the second and third floors consisting of residential apartments; and

b. The applicant no longer wishes to use the first floor as a bar, but instead seeks to modify the use for mixed use to permit a portion of the floor to be used as residential space and the remaining portion to be used as commercial space in order to operate a neighborhood laundromat; and

c. The applicant's expert testifies that the applicant faces an existing hardship due to density requirements and that the applicant's desired use would be beneficial to the neighboring properties; and

d. The applicant's experts also testified that the site is particularly suited for the use; and

e. The applicant's experts testified that the change in use would not create substantial detriment to the public good, but would rather enhance the public good as there is a need for this type of business in the community;

f. The applicant's experts provided testimony that the application is consistent with the intent of the master plan; and

g. The applicant has stipulated that:

1. All signage to be constructed will be consistent the submitted plans and exhibits, which includes the requirement that no neon lights will be utilized to frame windows; and

2. The applicant will receive confirmation that the sewer line can handle the use of the laundromat; and

3. The applicant will work with the Board's Planner, Graviano and Gillis, to coordinate approval of outside agencies; and

4. Hours of operation of the laundromat will be 7 days a week from 7 am to 8 pm; and there will be no sale of products other than laundry supplies

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

- i. 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 for a use variance and various bulk variances to modify the existing use to a first floor mixed use for an apartment and community laundromat for premises located at 88 Center Street, Block 4.07, Lot 28, 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. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF APRIL 19, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: CRP / CHI CLIFTON OWNER, LLC
for premises known as: 558-600 Getty Avenue, Block 9.04, Lot 22
be and the same is hereby: GRANTED a request for multiple C-variances and a D-3 conditional use variance to construct a new warehouse facility.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 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 seeking multiple C-variances for maximum accessory structure height, maximum building height, front yard parking, ground signs in front yard setback, and a D-3 conditional use variance to construct a warehouse in the M-3 zone; and

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

a. The applicant's experts testified that the applicant seeks to construct a warehouse facility of approximately 186,000 sq ft; and

b. The construction of the warehouse will also include reduction in the number of curb cuts in both Crooks Avenue and Getty Avenue; and

c. The applicant testified that one such curb cut will be oversized and dedicated for commercial truck use in order to improve traffic flow; and

d. The loading docks for such commercial trucks will be located along the backside of the property in order to use existing train tracks as a buffer to limit sound and noise impacts on neighboring properties; and

e. The applicant seeks to add front yard parking in order to separate employee parking from the truck loading area; and

f. The applicant seeks to construct an accessory water tank to ensure appropriate water pressure and volume to suppress any potential fires as set forth in the Fire Marshall's report; and

g. The applicant agreed to reduce the parking stall size to 9 foot by 18 foot which resulted in an increase in open space; and

h. The applicant testified regarding the addition of landscaping and vegetation in the area of the water tank in order to make the tank's addition more appropriate within the site; and

i. The applicant's experts provided testimony that the proposed site is particularly suited for the proposed use;

j. The applicant provided testimony to establish that deviations from the conditions does not effect suitability of the site for the conditional use and the proposed site would accommodate problems associated with the use even though the proposal does not comply with the conditions the ordinance established; and

k. The applicant's experts testified that the change in use would not create substantial detriment to the public good, but would rather enhance the public good as there is a need for this type of business in the community;

l. The applicant's experts provided testimony that the application is consistent with the intent of the master plan; and

- m. 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 for a multiple C-variances for maximum accessory structure height, maximum building height, front yard parking, ground signs in front yard setback, and a D-3 conditional use variance to construct a warehouse in the M-3 zone for premises located at 558-600 Getty Avenue, Block 9.04, Lot 22, 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. Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.