

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, April 20, 2022. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS GEORGE SILVA, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR URI JASKIEL.

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

Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, the Minutes of the April 6, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **BOTANY VILLAGE PROPERTY LLC,**
Prelim. & 254 Dayton Avenue, Block 4.18, Lot 21
Final Major --PD1 – For preliminary and final major
Site Plan site plan approval, use variance, bulk
variance and design waiver/exception relief.
The property is located in a PD-1 Zoning
District. The Applicant seeks approval to
demolish the existing building on the Property
and construct a new mixed-use building
consisting of six (6) residential dwelling units
within three (3) stories above ground floor
commercial (restaurant/tavern) space and
related site improvements. The Applicant seeks
use variance relief pursuant to N.J.S.A. 40:55D-
70(d)(1) for a non-permitted use, as residential
use is not permitted in the PD-1 Zoning District
and a height variance pursuant to N.J.S.A.
40:55D-70(d)(6) for building height greater
than permitted (30 ft. permitted; 40 ft. proposed).
To the extent necessary, Applicant seeks a
parking variance for providing less than required
number of parking spaces and seeks a conditional
use approval or conditional use variance for not
providing parking on the same lot as the principal
use/principal structure. The Applicant further seeks
bulk variance relief pursuant to N.J.S.A. 40:55D-
70(c) with respect to (1) front yard setback less
than required (15 ft. required; 0.37 ft. proposed);

and (2) number of building stories greater than permitted (2 stories permitted; 4 stories proposed).

The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions, and other approval 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 attorney for the applicant, this matter was continued by the Board to the June 1, 2022, meeting of the Board.

2.
Use
Variances;
Variances

EMPIRE REALTY MANAGEMENT CORP.,
94-96 Market Street, Block 68.03, Lot 43 – BC –
An approval to demolish the ALLWOOD
THEATER and replace it with three additional
new retail stores abutting the existing retail
stores on Market Street and, in the rear, construct
a three-story apartment building containing 26
senior citizens housing units restricted to tenants
aged 55 and older. Two use variances are required,
one to permit more than two principal uses on
the same lot and second to permit housing in a B-C
zone where no housing is permitted. Utilizing the
bulk variances set forth in the Zoning Ordinance
for the areas in which the two uses for which use
variances are sought are permitted, as required by
law, the following bulk variances are required:
front yard 5' required 0' provided; minimum
rear yard 10' required, 0' proposed; site yards,
where the property abuts residential use, for the
sideyards half of the height of the building is
required. On the right side, 0' is proposed and
on the left side 4.6' is proposed, which is an
increase of 2.6' from the existing left side yard.
It should be noted that the Zoning Ordinance
provides that the front of a lot is the narrowest
part of the lot facing a street. Therefore, the
front of the subject lot is on Lyall Road.

This matter was previously continued by the Board until the May 4, 2022, meeting of the Board.

3. **MJG-MAR REALTY, LLC**, 42 Lakeview Avenue, Block 7.05, Lot 70 – B-C – Application for a use variance to permit use of the property previously occupied by the GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts at retail and wholesale. The property is located in a B-C zone in which the sale at wholesale is not permitted.

This matter was continued until the May 4, 2022, meeting at the request of the attorney for the applicant.

NEW HEARINGS

1. **MAPLE GARDEN APARTMENTS, LLC**, 765 Clifton Avenue, Block 30.09, Lot 1 -- RB2 – The following variances are required in order to add five (5) additional parking spaces on the property:
(1) the size of the spaces proposed is 9’x18’; whereas 9’x19’ is required; and
(2) the driveway requires a 5’ setback; whereas 4’ is being proposed in a section of the driveway.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant was Joseph Yannucci of Langan Engineering, 300 Kimball Drive, Parsippany, New Jersey; and Raymond Kunz, a Member of the Maple Garden Apartments, LLC. There was one interested party, Halina Szadura of 323 Clifton Boulevard, Clifton, New Jersey.

The Board is in receipt of a report from its planning consultant, Nicholas A. Graviano, dated April 17, 2022, and a report from Neglia Engineering dated April 12, 2022.

Mr. Carlet stated that the premises in question is an existing garden apartment development which does not contain sufficient off-street parking; that the proposed application requests approval to add five off-street parking spaces; that the proposed parking spaces are 9- by 18- feet where the 19-foot depth is required and a variance is needed; that the Ordinance also requires a 5-foot setback, and the plan only provides for a 4-foot setback.

Mr. Yannucci testified as an engineer and stated that the site in question is located at 765 Clifton Avenue; that the property is located in an RB2 zone which permits garden apartments; that the site is bordered by Clifton Boulevard to the north with commercial uses beyond, Clifton Elks Lodge and single-family uses to the south, with Colfax Avenue beyond, multi-family residential to the east with Elm Street beyond, and Clifton Avenue to the west with a church and residential uses beyond; that the site is approximately 38,732 square feet (.89 acres) and is presently developed with three garden apartment buildings. The proposal to construct an asphalt area in the eastern corner of the subject property for the purpose of providing five off-street parking spaces for residents of the garden apartment will help alleviate the insufficient off-street parking at the site.

Halina Szadura testified that she is not comfortable with the location of the parking spaces; that the lot is too small.

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 subject to the following:

1. An erection of a 5-foot-high decorative fence;
2. Parking will be provided for tenants only; and
3. The applicant shall ensure that storm water runoff does not negatively affect neighboring properties.

The motion was seconded by Comr Louis DeStefano. Voting for the motion were Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Mark Zecchino. Voting against the motion were Comrs Zalman Gurkov and George Foukas. By a five to two vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **YESICA RAMIREZ**, 80 Mahar Avenue, Block 3.08, Lot 14 – RB2 – A variance is requested for a proposed driveway requesting a 0’ setback where 5’ is required.

The applicant and her husband, Eutiquio Ramirez, residing at 80 Mahar Avenue, Clifton, New Jersey, were present and sworn. There were no objectors.

Mrs. Ramirez testified that she requests variance approval for a proposed driveway with a 0-foot setback where 5-feet is required; that the purpose of the driveway is to park vehicles on the site and take them off the street.

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

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

3. **AUGUSTO GONZALEZ & CELSA TAPIA**, 13 Whitmore Place, Block 8.13, Lot 12 -- RB3 – A variance is requested for a 6’ high solid fence, already installed, along the whole left side the home. Alongside of the house required is 4’ 50% open and from the back corner of the home leading into the backyard required is 5’ solid.

The applicant, Celsa Tapia, residing at 13 Whitmore Place, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she erected a 6-foot-high fence along the whole left side of the home; that alongside of the house, there is a requirement for a 4-foot-high 50% open fence and from the back corner of the home leading into the backyard is required a 5-foot-high solid fence; that she erected the fence and did not realize that she needed

approval from the Building Department; that she has lived at the premises for five years, and the fence has been up for approximately one year.

Chrmn Zecchino suggested to the applicant that a 5-foot-high solid fence may be acceptable to the Board. After consideration, the applicant stipulated that she would reduce the 6-foot-high fence to a 5-foot-high solid fence.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application for a 5-foot-high solid fence and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino. Voting in the negative was Vice-Chrmn Gerard Scorziello, stating that he did not think that the applicant understood that she was to reduce the 6-foot-high fence to a 5-foot-high fence. By a six to one vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

4.
Variances

JOSHUA MC COY & SARALAIN SCOTT

MC COY, 11 Lincoln Place, Block 4.09,
Lot 20 – RB3 – Applicant is requesting to
rebuild home after fire damage. New second
floor expansion is proposed but due to the
existing nonconforming lot size and lot
coverage of the property, the following
variances are requested:

- Side yard setbacks being proposed at 3' & 2.49'
with a combined total of 5.49' where a minimum
of 6' on one side is required and a combined
yard of 16'.
- Proposed front yard to 2nd floor addition is 20'
where 25' is required.

The applicants, residing at 11 Lincoln Place, Clifton, New Jersey, were present and sworn. Also present and sworn was Reuben Gross of 1205 West Laurelton Parkway, Teaneck, New Jersey, an architect. There were no objectors.

Mr. Gross testified that the applicant is requesting to rebuild a home after fire damage; that the new second floor expansion is proposed due to existing, non-conforming lot size and lot coverage; that the applicant requests the following variances: Side yard setbacks proposed at 3 feet and 2.49 feet where 6 feet on each side is required and a combined total of 5.49 feet where a minimum of 16 feet is required; and that the proposed front yard to the second floor is 20 feet where 25 feet is required.

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

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

5.
Use
Variance

JBK ENTERPRISES, LLC d/b/a THE BARROW HOUSE, 1292-1296 Van Houten Avenue, Block 34.04, Lot 29 – BB – Existing Restaurant is permitted in zone as conditional use but does not meet all required setbacks. An entertainment license will not increase that non-conformity but requires a D-3 variance to allow live music. Applicant will also seek all required variances, waivers or other relief for approval to apply for an Entertainment License at the Restaurant.

Angelo Cifelli, Esq., with offices at 360 Passaic Avenue, Nutley, New Jersey, appeared on behalf of the applicant. Thomas Maroulakos of 187 Forest Avenue, Hawthorne, New Jersey, a member of the LLC, was present and sworn.

Mr. Maroulakos testified that the existing restaurant is a conditional use permitted in the zone that does not meet all required setbacks; that an entertainment license is being requested for the purpose of providing music on Saturdays and Sunday brunch and some at night; that a D3 use variance is required to allow live music; that the music will be inside of the building; that he is aware that an entertainment license must be approved by the Mayor and Municipal Council.

After a review of the testimony, Comr Zalman Gurkov moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution subject to approval for an entertainment license by the Mayor and Municipal Council of the City of Clifton. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

6.
Sub-
division

LAZO JOSIFOSKI, 112 Mt. Park Road, Block 22.01, Lot 16 – RA3 – Applicant is requesting to subdivide vacant land into two lots for single family homes.

Chrmn Zecchino announced that the matter for a minor subdivision should properly be before the Planning Board, not the Zoning Board. Thereupon, Comr Scott Sochon moved to dismiss the matter without prejudice for lack of jurisdiction. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was dismissed without prejudice in the form as more fully appears at the end of these Minutes.

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

7. **STORAGE BLUE CLIFTON, LLC,**
 Use 550 Lexington Avenue, Block 7.07,
 Variance; Lot 1 – B-C & RB2 – Applicant is
 Variances requesting relief, if necessary, from any
 variances, approvals, waivers, and/or
 exemptions from any applicable provision
 of the Municipal Zoning Code of the
 City of Clifton necessary for approval
 of the application, to renovate the existing
 warehouse and change its use from a
 warehouse to a self-storage warehouse
 (“D” variance) plus the following bulk
 variances and final site plan approval:

Bulk Requirements: B-C Zone (General Business District)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback	46 Ft.	42.32 Ft.	42.32 ft.	Existing
Minimum Front Yard Setback	5 Ft.	9.32 Ft.	9.32 Ft.	No
Minimum Rear Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback (Both)	20 Ft.	N/A	N/A	N/A
Minimum Side Street Setback	5 Ft.	0 Ft.	0 Ft.	Existing
Maximum Lot Coverage	60%	55.58%	66.07%	Yes
Minimum Accessory Building Side Yard Setback	3 Ft.	N/A	N/A	N/A
Minimum Accessory Building Side Street Setback	25 Ft.	N/A	10 Ft.	Yes
Minimum Distance to Main Building	10 Ft.	N/A	5 Ft.	Yes

Bulk Requirements: R-B2 Zone R-B1 One-Family Residential Use)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback to (ft.)	46 ft.	B-C Zone	B-C Zone	N/A
Minimum Front Yard Setback (ft.)	25 ft.	B-C Zone	B-C Zone	N/A
Minimum Rear Yard Setback (ft.)	35 ft.	9.42 ft.	9.42 ft	Yes
Minimum Side Yard Setback (ft.)	6 ft.	4.81 ft.	4.81 ft.	Existing
Minimum Side Yard Setback (Both)	16 ft.	N/A	N/A	N/A
Minimum Side Street Setback (ft.)	10 ft.	0 ft.	0 ft.	Yes
Maximum Lot Coverage (%)	27%	55.58%	66.07%	Yes
Maximum Accessory Building Height (ft.)	14 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Front Yard Setback (ft.)	60 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Street Setback (ft.)	25 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Rear Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Distance to Main Building (ft.)	10 ft	N/A	B-C Zone	N/A

Off Street Parking:

<u>Use</u>	<u>Parking Requirement</u>	<u>Total Required</u>	<u>Total Proposed</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Space per 250 SF of Floor Area			
Shops, Mills, Factories, Warehouses, and Storages	2 Employees but not less than 1.0 space for each 2,000 SF of Floor Area	32 Spaces	17 Spaces	Yes (15 Spaces)
Hoses (Self Storage)				

Loading Requirements:

<u>Use</u>	<u>Total Required</u>	<u>Total Provided</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Loading Spaces		
Shops, Mills, Factories, Warehouses and Storage Houses (Self Storage)	3.84 Loading Spaces	2.0 Loading Spaces	Yes (3 Spaces)

Signage Bulk Table:

<u>Sign Type</u>	<u>Description</u>	<u>Ordinance</u>	<u>Permitted</u>	<u>Proposed</u>	<u>Variance</u>
Wall Sign #4	One (1) Proposed Wall Sign (Facing Seger Ave) 86.17 SF (5'-6" L x 15'-8" H)	§461-54	Max Area = ((363.60 ft x 15) x (0.1)) = 545.4 S	86.17 SF	No (Yes- Non-Permitted Use)
Ground Sign #1	One (1) Proposed Ground Sign (Facing Lexington Avenue) 5.67 SF (1'-5" L x 4-0" H) Each	§461-55	Max Area = (53.10 Ft + 45.45 Ft) – 98.55 Ft x 2 = 197.10 SF Max Height = 20 Ft Max Front Yard Setback = 60 Ft	Area = 5.67 SF Height = 16 Ft Setback = 13 Ft	No No Yes

Christos J. Diktas, Esq., with offices at 596 Anderson Avenue, Cliffside Park, New Jersey, appeared on behalf of the applicant. Present and sworn were William R. Vogt of 60 Grand Avenue, Englewood, New Jersey, an engineer; Conrad J. Roncati of One Executive Drive, Fort Lee, New Jersey, an architect; and George Wheatle Williams, with offices at 105 Grove Street, Montclair, New Jersey, a planner. There were no objectors.

Mr. Diktas stated that the applicant is seeking use variance and bulk variances to renovate the existing warehouse at the subject premises and change its use from a warehouse to a self-storage warehouse.

Mr. Vogt testified as an engineer that the current site consists of a Bottle Liquor Store and warehouse space; that the applicant proposes a 3,287 square foot addition to square off the building for a main building totaling 29,720.44 square feet; that 17 outdoor storage units in two buildings totaling 1,700 square feet are proposed; that the main building will contain a liquor store and self-storage space; that the applicant is requesting preliminary and final site plan approval. Mr. Vogt also provided general engineering comments in response to questions raised by the report of Neglia Engineering dated March 10, 2022, revised April 13, 2022.

Mr. Roncati testified as an architect and reviewed the plans submitted to the Board on December 8, 2021, which include the floor area for the ground floor, the attic, and the surface-mounted storage box; the right side elevation, front elevation, and left side elevation, rear elevation, and a rendering of the premises.

The Board is in receipt of a report from its planning consultant, Nicholas A. Graviano, dated April 14, 2022, which set forth that the applicant needed the following use variances:

1. d(1) use variance, multiple use proposed: self-storage and retail on one lot;
2. d(1) use variance: self-storage facilities not permitted in a B-C zone;
3. d(1) use variance, self-storage facilities are not permitted in an RB2 zone.

The report also indicated that the applicant is requesting the following "c" variances:

1. Lot coverage of 60% permitted, 66.07% proposed;
2. Rear yard setback 10 feet is required, 3 feet proposed in detached storage buildings;
3. Off street parking 32 parking spaces required, 17 proposed;
4. Loading spaces 5 required, 2 proposed;
5. Wall signs not permitted in RB2 zone, wall sign proposed;
6. Freestanding sign must have same front yard setback as principal structures and less than required setbacks are proposed.

The Board is also in receipt of a report dated March 3, 2022, from the Passaic County Department of Planning and a reply letter to the County of Passaic from L2A Land Design, LLC, by Michael Nahas, Design Engineer.

The Board is also in receipt of report from Neglia Engineering dated March 10, 2022, revised April 13, 2022, and a report from the City of Clifton Fire Department, Michael Pressler, Fire Marshal, dated April 18, 2022.

After a review of the testimony, Chrmn Zecchino continued the matter until the May 18, 2022, meeting of the Board in order for the applicant to revise its plans.

RESOLUTIONS

Chrmn Zecchino stated that the Board would act upon the next order of business would be the adoption of the Resolutions set forth on the Agenda:

1. Upon motion made by Comr Zalman Gurkov, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RYAN LAUETTE for a variance for a driveway in front of the house no longer completely serving a garage at 12 Gould Terrace, Block 51.06, Lot 33, was adopted.

2. Upon motion made by Comr George Foukas, seconded by Comr Zalman Gurkov, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JONAH HOLLAND for side yard setback and front yard setback variances for a new two-story rear addition and change to the front stoop at 357 South Parkway, Block 58.07, Lot 8.

3. Upon motion made by Comr Zalman Gurkov, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WAEL EL-ZIND for rear yard setback, side yard setback, and lot coverage variances and expansion of a pre-existing, non-conforming use to build a rear addition for storage at 636 Van Houten Avenue, Block 37.01, Lot 17, was adopted.

4. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JIM BEIRNE for changes to a previously approved application which includes a reduction in the square footage of the raised deck; the first floor rear addition is reduced by approximately 10 square feet, and the second floor bedroom addition will be increased by 100 square feet at 35 Englewood Road, Block 68.11, Lot 18, 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,



JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF APRIL 20, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MAPLE GARDEN APARTMENTS, LLC for premises known as: 765 Clifton Avenue, Block 30.09, Lot 1 be and the same is hereby: GRANTED a d(5) use variance and bulk variances for parking stall size, five off-street parking spaces, parking in the front yard area, and 5-foot buffer from the parking area.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance and bulk variances as aforesaid to add five off-street parking spaces to premises located at 765 Clifton Avenue, Block 30.09, Lot 1, which premises are located in an RB2 zone; and

WHEREAS, the Board is in receipt of a report from its planning consultant, Nicholas A. Graviano, dated April 17, 2022, and a report from Neglia Engineering dated April 12, 2022; and

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

- a. The property in question is an existing garden apartment development which, when built, did not contain sufficient off-street parking;
- b. The applicant proposes to add five off-street parking spaces;
- c. The proposed parking spaces are 9- by 18-feet where a 19-foot depth is required;
- d. A 5-foot setback is required, and a 4-foot setback is proposed;
- e. The applicant has satisfied the positive and negative criteria required for the grant of the d(5) use variance;
- f. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- g. The addition of the five parking spaces will alleviate and increase the number of parking spaces from 20 to 25 which is an improvement;
- h. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since garden apartments are a permitted use in the zone; and

WHEREAS, the Board further finds the addition of the five parking spaces will help promote the health, safety, and general welfare of the neighborhood by providing additional parking for the tenants of the garden apartment development;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to add five off-street parking spaces at the site at premises located at 765 Clifton Avenue, Block 30.09, Lot 1, be and the same is hereby approved and the d(5) use variance, parking stall variance, parking in the front yard area, and the 5-foot setback required variances be and the same are hereby granted and further subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING:**

- a. **The applicant install a 5-foot-high decorative fence;**
- b. **Parking permitted only for the tenants of the garden apartment;**
- c. **The applicant shall ensure that storm water runoff does not negatively affect neighboring properties;**
- d. **Passaic County Planning Board approval; and**

further 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 same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; 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 VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr LOUIS DE STEFANO.
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello and Chrmn Mark Zecchino.

MEETING OF APRIL 20, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **YESICA RAMIREZ**
for premises known as: **80 Mahar Avenue, Block 3.08, Lot 14**
be and the same is hereby: **GRANTED** a proposed driveway with **0 feet setback.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval for a proposed driveway that will require a 0-foot setback where 5 feet is required at premises located at 80 Mahar Avenue, Block 3.08, Lot 14, which premises are located in an RB2 zone; and

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

- a. The applicant requests approval for a driveway at the premises with 0-foot setback;
- b. The side yard setback requirement is 5 feet;
- c. The purpose of the driveway is to take vehicles off the street and provide for off-street parking;
- 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a driveway with a 0-foot setback at premises located at 80 Mahar Avenue, Block 3.08, Lot 14, be and the same is hereby approved and the variance for side yard setback be and the same is hereby granted and further subject to such further governmental approvals as may be required by law 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 same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr GEORGE FOUKAS.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 20, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **AUGUSTO GONZALEZ & CELSA TAPIA** for premises known as: **13 Whitmore Place, Block 8.13, Lot 12** be and the same is hereby: **GRANTED a 5-foot-high solid fence along the whole left side of the premises.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests approval for a 6-foot-high solid fence already installed at premises located at 13 Whitmore Place, Block 8.13, Lot 12, which premises are located in an RB3 zone; and

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

- a. The applicant previously installed a 6-foot-high solid fence at the subject premises;
- b. The applicant was not aware that approval was required from the City of Clifton;
- c. The applicant has stipulated to reducing the height of the 6-foot-high solid fence to a 5-foot-high solid fence;
- 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 proposal will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a 5-foot-high solid fence at premises located at 13 Whitmore Place, Block 8.13, Lot 12, be and the same is hereby approved and the variance be and the same is hereby granted **WITH THE FOLLOWING STIPULATION:**

A. THAT THE APPLICANT CUT THE HEIGHT OF THE EXISTING 6-FOOT-HIGH SOLID FENCE TO A 5-FOOT-HIGH SOLID FENCE; and

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

Resolution moved by: Comr ZALMAN GURKOV.
Seconded by: Comr GEORGE FOUKAS.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino.

MEETING OF APRIL 20, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **JOSHUA MC COY & SARLAIN SCOTT MC COY** for premises known as: **11 Lincoln Place, Block 4.09, Lot 20** be and the same is hereby: **GRANTED side yard setback variance, combined side yard setback variance, and front yard setback variance for a new second floor expansion after fire damage.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 2022. 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 requests variance approval as aforesaid to rebuild the new second floor expansion at premises located at 11 Lincoln Place, Block 4.09, Lot 20, which premises are located in an RB3 zone; and

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

- a. The applicant's premises located at 11 Lincoln Place, Clifton, New Jersey, sustained fire damage;
- b. The applicant proposes a new second floor expansion;
- c. The side yard setback variance requires a minimum of 6 feet on each side, and the applicant is proposing 3 feet and 2.49 feet;
- d. The combined side yard requirement is 16 feet, and the applicant is proposing 5.49 feet;
- e. The front yard setback requirement for the second floor addition is 25 feet, and the applicant is proposing 20 feet;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to rebuild a home after fire damage at premises located at 11 Lincoln Place, Block 4.09, Lot 20, be and the same is hereby approved and the variances for side yard setback, combined side yard setback, and front yard setback variances be and the same are hereby granted and further subject to such further governmental approvals as may be required by law 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 same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr SCOTT SOCHON.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF APRIL 20, 2022.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JBK ENTERPRISES, LLC d/b/a THE BARROW HOUSE for premises known as: 1292-1296 Van Houten Avenue, Block 34.04, Lot 29 be and the same is hereby: GRANTED a d(3) conditional use variance to allow live music at the subject premises.

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 20, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests conditional use approval to allow live music at premises located at 1292-1296 Van Houten Avenue, Block 34.04, Lot 29, which premises are located in a BB zone; and

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

- a. The existing restaurant is permitted in the zone as a conditional use and does not meet all the required setbacks;
- b. The applicant requests approval for a d(3) variance to allow live music inside the structure;
- c. The proposal will not increase the non-conformity of the site;
- d. The applicant has satisfied the positive and negative criteria required for the grant of a d(3) use variance;
- e. The applicant proposes music on Saturday and Sunday brunch and some at night inside the building;
- f. The applicant is aware that an entertainment license must be granted by the Mayor and Municipal Council;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to allow live music at premises located at 1292-1296 Van Houten Avenue, Block 34.04, Lot 29, be and the same is hereby approved and the d(3) use variance be and the same is hereby granted **SUBJECT TO THE FOLLOWING:**

- A. THAT THE APPLICANT OBTAIN APPROVAL FROM THE MAYOR AND MUNICIPAL COUNCIL FOR AN ENTERTAINMENT LICENSE;**
- B. THE MUSIC SHALL BE INSIDE THE BUILDING WITHOUT DISTURBING NEIGHBORS OR CREATING OPERATIONAL USES FOR THE RESTAURANT;**
- C. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;**

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

Resolution moved by: Comr ZALMAN GURKOV.

Seconded by: Comr JOHN FOUKAS.

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

MEETING OF APRIL 20, 2022.

RESOLVED by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that
the application of: **LAZO JOSIFOSKI**
for premises known as: **112 Mt. Park Road, Block 22.01, Lot 16**
be and the same is hereby: **DISMISSED WITHOUT PREJUDICE** for lack of
jurisdiction.

THIS MATTER, coming on for hearing before the Board; and it appears that the jurisdiction of this matter lies with the Planning Board instead of the Zoning Board;

NOW THEREFORE, BE IT RESOLVED that the application for a subdivision at premises located at 112 Mt. Park Road, Block 22.01, Lot 16, be and the same is hereby dismissed without prejudice for lack of jurisdiction.

Resolution moved by: Comr SCOTT SOCHON.
Seconded by: Comr MICHAEL MOLNER.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.