

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, May 15, 2019. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Daniel Trenk, the Minutes of the May 1, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARING

1. **PLJ PROPERTY MANAGEMENT LLC,**
Variances 3 Yorkshire Road, Block 52.02, Lot 5
-- RA1 – Applicant proposes a rear yard addition and a second floor addition. The following variances are requested:
1) Rear yard proposed at 16.25' where 35' is required.
2) Existing non-conforming lot area.

Louis Popstefanov, residing at 105 Plauderville Avenue, Garfield, New Jersey, appeared on behalf of the applicant and was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a rear yard addition and a second floor addition; that the proposal is for a garage extension; that the rear yard setback requirement is 35 feet, and the applicant is proposing 16.25 feet; that the premises has an existing, non-conforming lot area.

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

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

NEW HEARINGS

1. **JOANNE MACBETH, 11 Wheeler Street,**
Variance Block 73.05, Lot 26 – RB1 – Applicant

proposes to construct a rear yard deck with wheelchair access from the left side. The following variances are requested:

- 1) Left side yard proposed at 1.2' where 6' is required.
- 2) Lot coverage proposed at 29.5% where 27% is permitted.

The applicant, residing at 11 Wheeler Street, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she has lived in her premises since 1955; that she proposes to construct a rear yard deck with wheelchair access from the left side to accommodate a handicap person; that the left side yard setback requirement is 6 feet, and she is proposing 1.2 feet; that the lot coverage permitted is 27 percent, and she is requesting 29.5 percent.

After a review of the testimony, Comr Louis DeStefano 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 Daniel Trenk. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2.
Variances

GEORGE BITAR, 11 Luisser Street, Block 55.04,
Lot 37 – RA2 – Applicant proposes to widen the existing driveway to 20' and requests a variance for a 2' driveway setback on the right side where 5' is required. A 16' curb cut is also requested where 12' is permitted.

The applicant and his wife, Gola Bitar, residing at 11 Luisser Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Bitar testified that he requests approval to widen the existing driveway to 20 feet and requests a variance for a 2 foot driveway setback on the right side where 5 feet is required; that he also requests approval to expand the curb cut to 16 feet where 12 feet is permitted; that the purpose of the application is to allow off-street parking for family members and to prevent obstruction for City cleaning and snow removal vehicles.

After a review of the testimony, Comr Roy Noonburg 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 George Foukas. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3.
Use
Variances

ANA LOPEZ, 657 Lexington Avenue, Block 2.11,
Lot 33 – B-C – Applicant proposes to convert the first floor of a mixed use building to a

“Doggie Day Care” facility. Use variance required for a use not listed as a permitted use and for mixed use. Such other relief as may be deemed necessary by the Board.

John H. Kopp, Esq., with offices at 452 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. The applicant, residing at 42 Piaget Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she proposes to convert the first floor of a mixed use building to a “Doggie Day Care Center” facility; that a use variance is required since it is not a permitted use and the proposal is for a mixed use; that there will be no change to the building footprint, and the use is consistent with the other business uses in the zone; that she has 15 years’ experience concerning the proposal; that there will be one full-time and one part-time employee; that the facility will be open seven days a week; that initially, there will be approximately 10 to 15 dogs taken care of with a capacity of 25 dogs; that there will be no overnight stay of the animals; that the proposal is consistent with a prior approval given by the Board in 2009 for a massage parlor; that the hours of operation are Monday through Friday from 7 A.M. to 7 P.M.; that she will be on the premises full-time, and no license is required for the business.

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

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

4. **SHAWNEE WAREHOUSING SERVICES, INC.**
Use 50 Somerset Place, Block 49.11, Lot 72
Variance -- M-2 – Conditional use variance is required to permit warehousing and distribution on the site and use variance is required to permit the storage of trailers other than in a defined loading dock area.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Christopher Lall of 50 Somerset Place, Clifton, New Jersey, President of Shawnee Transportation Co., Inc.; David Fantina, P.E. of 15 Somerset Drive, Bernardsville, New Jersey; and Charles Olivo, Stonefield Engineering, of 92 Park Avenue, Rutherford, New Jersey. There were no objectors.

Mr. Carlet stated that the applicant is seeking a D(1) use variance and D(3) conditional use variance to occupy an existing structure at the site in question as a warehousing and distribution center.

Mr. Lall testified that the proposal is to utilize the existing building for warehouse and distribution; that the parking in the area in the rear is proposed to be reconfigured as follows: twenty-five (25) 10.5’ x 53’ trailer parking spaces; seven (7) 9’ x 24’ tractor parking spaces; forty-four (44) 9’ x 24’ tractor parking spaces; and twenty (20) 9’ x 20’ vehicle parking spaces.

Mr. Fantina testified as a professional engineer and stated that to operate successfully, this type of use cannot only have trailers stored in their defined loading dock area; that the business requires that several tractor trailers be

loaded daily at each loading dock so that when the tractor trailer is loaded, it can pull out and a new one which is stored elsewhere on the site can be brought into the loading dock and loaded.

Mr. Olivo testified concerning the requirements for the D(1) and D(3) conditional use variance; that with respect to the D(3) conditional use variance, the applicant does not satisfy several conditions—to wit, that it is not on a collector or arterial street at least 60 feet wide and it does not have employee parking requirement of one space per 2,000 square feet; that Section E of the Zoning Ordinance 461-22 limits the parking of such trailers only the defined loading dock; that to conduct a successful warehouse and distribution center, one cannot have trailers only in a defined loading dock; that the proposal is consistent with the goals and objective of the Master Plan; that the proposed use will generate a substantially less amount of traffic than the previous user which had in excess of 300 employees; that the applicant has satisfied the positive and negative criteria required for the grant of a use variance.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application with the following stipulations:

- a. That there be no parking of cars and trucks on Somerset Street;
- b. That all deliveries will be on the site only; and
- c. That there would be no more than 20 employees with 20 vehicles.

The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

5. **1030 E. 174TH ST., LLC**, 781 Van Houten Avenue, Block 42.02, Lot 7 – B-C & R-B2 – The applicant seeks approval to allow the continuation of the existing residential, 2-family home use on that portion of the premises located in the B-C zone district and the operation of a full-service dry cleaners at the presently vacant building located on that portion of the premises located in the R-B2 zone district. Two additional parking spaces are proposed for the premises. The applicant is seeking the following approval/relief from the City of Clifton Zoning Board of Adjustment:
- a) Preliminary and Final Site Plan Approval;
 - b) Use variance(s) to permit the proposed dry cleaners and continuation of existing 2-family nonconforming use;
 - c) Use variance to permit more than one (1) principal use on a lot;
 - d) all other required waivers, variances, approvals, and relief.

Anthony Giambrone, Jr., Esq., with offices at 710 Route 46 East, Fairfield, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were Richard Becker of 20 Lovell Road, New Rochelle, New York; and

Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey. There was one objector, Robert D. Lions of 15 Doremus Place, Clifton, New Jersey.

Mr. Becker testified that his company seeks approval to allow the continuation of the existing two-family dwelling at the site and the operation of a full service dry cleaners at the presently vacant building located on a portion of the premises; that there will be two additional parking spaces proposed for the premises; that a use variance is required to permit the proposed dry cleaning business and the continuation of the existing two-family non-conforming use; that there will be more than one principal use on the lot; that variances are requested for the parking space setback and the landscaping required.

Mr. Becker continued to testify that he has 30 years' experience in the dry cleaning business; that the business is extremely automated; that the hours of operation will be from 7 A.M. to 7 P.M. six days a week; that he will have four employees; that his customers would include companies where he has a contractual relationship to bring their clothes to the site by way of vans for cleaning.

Frank D. Mileto testified as an architect and planner and stated that the proposed use is less intense than a permitted use; that in his opinion, there are a total of 11 parking spaces at the site; that the applicant has filed with the Passaic County Planning Board for approval; he described the circulation at the site; that in his opinion, the site is suitable for the proposed use; that the bulk variances are included with the use variances; that in his opinion, this proposal will have no negative impact; that the proposal does satisfy some of the objectives set forth in N.J.S.A. 40:55D-2 that the dry cleaning business will help promote the general welfare and further some of the goals and objectives of the Master Plan.

In objecting to the application, Mr. Lions stated that he is concerning with parking on the site and entering and exits on Van Houten Avenue; that the proposal is located next to a school zone; that in his opinion, it is an overuse of the premises; that the site can be developed for a one-person business.

Mr. Giambrone summarized that the proposed use is the best use for the site; that it is less intense and will upgrade the premises.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution, citing the fact that the site is a difficult site and the proposal submitted by the applicant is the best proposal subject to the stipulations that the applicant comply with the recommendations set forth in the report of Neglia Engineering dated May 10, 2019; and further subject to Passaic County Planning Board approval. The motion was seconded by Comr Roy Noonburg who stated that based upon the testimony presented, the site may function satisfactorily. Voting for the motion were Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, and Vice-Chrmn Gerard Scorziello. Voting against the motion were Comrs George Foukas who stated that, in his opinion, it is an overuse of the premises; and Chrmn Mark Zecchino who stated that parking and the multiple uses at the site are major concerns. 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.

RESOLUTIONS

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

1. Upon motion made by Comr Michael Molner, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Daniel Trenk, Louis DeStefano, George

Foukas, Roy Noonburg, Michael Molner, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ELAZAR & HADASSAH GUTTMAN for a rear yard setback variance for a rear one-story deck at 41 Woodward Avenue, Block 50.11, Lot 25, was adopted. RA2

2. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Daniel Trenk, Louis DeStefano, George Foukas, Michael Molner, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ARTUR MIECZYSLAW OLSZANSKI for left side yard setback and combined side yard setback variances for an addition and alteration to the existing home for a two-car garage at 36 Gould Terrace, Block 51.06, Lot 37, was adopted. RA1

3. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Michael Molner, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DOMINIC IANNARELLA for a use variance to convert a three-unit apartment building to a four-unit apartment building at 678 Allwood Road, Block 67.03, Lot 8, was adopted. RB1

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PLJ PROPERTY MANAGEMENT LLC for premises known as: 3 Yorkshire Road, Block 52.02, Lot 5 be and the same is hereby: GRANTED rear yard setback variance for a rear addition and a second floor addition.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests rear yard setback variance approval for a rear addition and a second floor addition at premises located at 3 Yorkshire Road, Block 52.02, Lot 5, which premises are located in an RA1 zone; and

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

- a. The applicant proposes a rear addition and a second floor addition;
- b. The extension is for a garage;
- c. The rear yard setback requirement is 35 feet; that existing is 22.75 feet; that the applicant proposes 16.25 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application for a rear addition and a second floor addition at premises located at 3 Yorkshire Road, Block 52.02, Lot 5, be and the same is hereby approved and the rear yard setback variance and existing, non-conforming lot area variance be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

or plan amendments offered or required at the time of the hearing.

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr GEORGE FOUKAS.

Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.

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

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOANNE MACBETH for premises known as: 11 Wheeler Street, Block 73.05, Lot 26 be and the same is hereby: GRANTED left side yard setback and lot coverage variance for a rear yard deck with wheelchair access from the left side.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to construct a rear yard deck with wheelchair access from the left side at premises located at 11 Wheeler Street, Block 73.05, Lot 26, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to construct a rear deck with a wheelchair access from the left side to accommodate a handicap person;
- b. The left side yard setback requirement is 6 feet, and the applicant is proposing 1.2 feet;
- c. The lot coverage permitted is 27 percent, and the applicant is requesting 29.5 percent;
- d. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to construct a rear yard deck with wheelchair access from the left side at premises located at 11 Wheeler Street, Block 73.05, Lot 26, be and the same is hereby approved and the left side yard setback and lot coverage variances be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

Resolution moved by: Comr LOUIS DE STEFANO.

Seconded by: Comr DANIEL TRENK.

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

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GEORGE BITAR for premises known as: 11 Luisser Street, Block 55.04, Lot 37 be and the same is hereby: GRANTED right side yard setback to widen the existing driveway to 20 feet and 16-foot curb cut.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to widen the existing driveway and expand an existing curb cut at premises located at 11 Luisser Street, Block 55.04, Lot 37, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to widen the existing driveway to 20 feet;
- b. The driveway setback on the right side requirement is 5 feet, and the applicant is proposing 2 feet;
- c. The present curb cut is 12 feet which is permitted, and the applicant is seeking a curb cut of 16 feet;
- d. The purpose of the application is to allow off-street parking for family members and to prevent obstruction for City cleaning and snow removal vehicles;
- e. The applicant has shown sufficient hardship to justify the grant of the variances 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 from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to widen the driveway to 20 feet and increase the curb cut to 16 feet at premises located at 11 Luisser Street, Block 55.04, Lot 37, be and the same is hereby approved and the right side yard setback variance and curb cut variance be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr ROY NOONBURG.

Seconded by: Comr GEORGE FOUKAS.

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

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ANA LOPEZ for premises known as: 657 Lexington Avenue, Block 2.11, Lot 33 be and the same is hereby: GRANTED use variance to convert the first floor of a mixed use building to a “Doggie Day Care” facility.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant proposes to convert the first floor of a mixed use building to a “Doggie Day Care” facility at premises located at 657 Lexington Avenue, Block 2.11, Lot 33, which premises are located in a B-C zone; and

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

- a. The applicant proposes to convert the first floor of a mixed use building to a “Doggie Day Care” facility;
- b. The applicant proposes to operate seven days a week, and the hours of operation will be from Monday through Friday 7 A.M. to 7 P.M.
- c. There will be one full-time and three part-time employees;
- d. The premises in question was previously granted a variance by the Clifton Zoning Board in 2009 for a massage parlor;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- 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 since the premises are presently vacant and the proposal will be beneficial; and

WHEREAS, the Board further finds from the testimony presented that there will be no detriment to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to convert the first floor of a mixed use building to a “Doggie Day Care” facility at premises located at 657 Lexington Avenue, Block 2.11, Lot 33, be and the same is hereby approved and the use variances for use not listed as a permitted use and for mixed use be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr ROY NOONBURG.

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

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SHAWNEE WAREHOUSING SERVICES, INC. for premises known as: 50 Somerset Place, Block 49.11, Lot 72 be and the same is hereby: GRANTED use variance and D(3) conditional use variance to permit warehouse and distribution on the site and further to permit storage of trailers other than in a defined loading dock area; and preliminary and final site plan approval.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant has submitted an application for a D(1) use variance and a D(3) conditional use variance to occupy the existing structure with a warehouse and distribution center at premises located at 50 Somerset Place, Block 49.11, Lot 72, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to utilize the existing building at the subject premises for warehousing and distribution purposes;
- b. Section 461-22E of the Zoning Ordinance limits the parking of such trailers only in a defined loading dock area;
- c. To operate successfully, this type of use cannot only have trailers stored in a defined loading dock area;
- d. Based upon the testimony of the applicant's engineer, there will be sufficient parking in the rear to accommodate the number of tractor trailers and parking vehicles at the site;
- e. Based upon the testimony of the applicant's planner, the applicant has satisfied the positive and negative criteria required for the grant of a D(1) use variance and D(3) conditional use variance;
- f. The Board had the benefit of the report from its planning consultant, Gregory Associates, dated May 15, 2019;
- g. The applicant has shown sufficient hardship to justify the grant of the rear yard setback variance where 15 feet is required and the applicant is proposing 2.3 feet;
- 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 it is a less intense use than the previous user of the site; and

WHEREAS, the Board further finds from the testimony presented that the reconfiguration of the parking area as set forth in the report of the Board's planning consultant, Gregory Associates, dated May 15, 2019, is satisfactory and functional and will not be detrimental to the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to utilize the existing structure for warehousing and distribution purposes at premises located at 50 Somerset Place, Block 49.11, Lot 72, be and the same is hereby approved and the conditional use variance, use variance, and site plan approval as well as rear yard setback variance be and the same are hereby granted subject to such further governmental

approvals as may be required by law and **subject to the following stipulations:**

- a. That there be no parking of cars and trucks on Somerset Street;**
- b. That all deliveries to and from the site shall be on the site only;**
- c. That the applicant provide parking for 20 vehicles for employees and that there will be no more than 20 full-time employees on the site; and the following:**

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

Resolution moved by: Comr ROY NOONBURG.
Seconded by: Comr LOUIS DE STEFANO.
Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF MAY 15, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 1030 E. 174TH ST., LLC/RICHARD BECKER, MEMBER for premises known as: 781 Van Houten Avenue, Block 42.02, Lot 7 be and the same is hereby: GRANTED use variance to permit the proposed dry cleaners and continuation of existing two-family non-conforming use, use variance to permit more than one principal use on a lot; preliminary and final site plan approval.

Testimony concerning the aforesaid application was taken by the Board at its meeting on May 15, 2019. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval to allow the continuation of an existing residential two-family dwelling and the operation of a full service dry cleaners at premises located at 781 Van Houten Avenue, Block 42.02, Lot 7, which premises are located in a B-C and R-B2 zone; and

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

- a. The property consists of existing buildings which include a two-story two-family dwelling, a shed located on the rear side of the dwelling, a one-story vacant retail store, and a one-story storage building;
- b. The applicant proposes to maintain the two-family dwelling and storage building and convert the vacant retail store into a full service dry cleaner;
- c. The applicant testified that the hours of operation will be from 7 A.M. to 7 P.M., six days a week, and there will be four employees at the site;
- d. Based upon the testimony of the planning expert, the proposal is a less intense use than a permitted use; that the site is suitable for the proposed use; that there will be no negative impacts on the neighborhood; and that it satisfies the purposes for the grant of a use variance N.J.S.A. 40:55D-2;
- e. The Board had the benefit of a report from its planning consultant, Gregory Associates, dated May 10, 2019; and its engineering consultant, Neglia Engineering, dated May 2, 2019;
- f. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- g. The proposal represents the best use for the site, and the applicant proposes to upgrade the premises;
- h. The bulk variances requested are subsumed in the use variance;
- i. The applicant has shown sufficient hardship to justify the grant of the bulk variances requested;
- j. 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 based upon the testimony presented by the applicant's planning expert; and

WHEREAS, the Board further finds that the Board has considered the testimony of the objector and finds that there will be no negative impacts based upon the site layout and operation of vehicles entering and exiting Van Houten Avenue;

NOW THEREFORE, BE IT RESOLVED that the application to continue the existing residential two-family dwelling and permit the operation of a full service dry cleaner at the vacant building at premises located at 781 Van Houten Avenue, Block 42.02, Lot 7, be and the same is hereby approved and the use variances and site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and **subject to the following:**

a. Approval from the Passaic County Planning Board;
b. Compliance with all requirements set forth in the report of Neglia Engineering dated May 2, 2019; and the following:

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

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.

Seconded by: Comr ROY NOONBURG.

Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, and Vice-Chrmn Gerard Scorziello.