

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 7, 2023. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the “Open Public Meeting Law” all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applications that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS DAVID BRAID, ALESSIA ERAMO, MAUREEN O’CONNOR, ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, VICE-CHRMN GERARD SCORZIELLO AND CHRMN MARK ZECCHINO.

ABSENT: COMR. GEORGE FOUKAS.

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

### **REMANDED HEARING**

1. **JOHN RADER**, 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C – The Application was previously heard and denied by the Board in 2020. Following an appeal to the New Jersey Superior Court, Law Division, Docket No, PAS-L-309-21, the Superior Court reversed the December 2, 2020 decision of the Board and remanded the matter back to the Board for additional proceedings. The Applicant has modified the previously submitted plans to eliminate prior deviations regarding landscaping and buffering requirements for fast food restaurant uses abutting residential zones. Pursuant to the revised plans, the Applicant seeks preliminary and Final Site plan approval with a conditional use variance to remove the existing, non-conforming MOONEY AUTO REPAIR GARAGE, to enlarge the building housing the existing DUNKIN DONUTS building and add an additional food service use, two vestibule entrances to the two stores, and construct a drive-through window to the existing building. All other nonconformities are pre-existing and do not required variances. DENIED DECEMBER 2, 2020 – COURT-ORDERED REMAND.

At the request of the attorney for the applicant, this matter was continued by the Board until the July 19, 2023 meeting of the Board with no further notice required and all timing requirements tolled until July 31, 2023.

### **CONTINUED HEARINGS**

1. **522 VALLEY ESTATES LLC**, 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist  
Use Variance;  
Variances  
The Applicant seeks approval to demolish the existing building and construct a new residential complex consisting of 20 townhouse/multifamily dwelling units within three (3) separate buildings, along with related site improvements, including but not limited to parking, landscaping and lighting. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (35 ft. permitted; 44.99 ft. proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and design waiver/exception relief, including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed); (2) Open space consisting of less than 25 ft. and located within 10 ft. of side or rear Property lines proposed where same is not permitted; (3) Soil proposed to be excavated in excess of 30% and on the cliff face where same is not permitted; (4) Vertical cut greater than permitted (15 ft. permitted; 56 ft. proposed); (5) Building coverage for over 30% slope area greater than permitted (0% permitted; 1.8% proposed); (6) Impervious surface (lot) coverage for over 30% slope area greater than permitted (0% permitted;

4.5% proposed); (7) Open space for 25.1-30% slope area less than required (50% required; 46.9% proposed); (continued)  
(8) Open space for over 30% slope area less than required (100% required; 79.9% proposed); (9) Number of trees replaced less than required (87 trees required; 48 trees proposed); and (10) Ground sign proposed where same is not permitted. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, de minimis exceptions to the State of New Jersey Residential Site Improvement Standards, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

At the request of the attorney for the applicant, this matter was continued by the Board until the June 21, 2023 meeting of the Board with no further notice required.

2. **833 CLIFTON AVE PARTNERS, LLC**, 833 Clifton Avenue, Block 35.07, Lot 1 - BC– Preliminary and final site plan approval, use variance, bulk variances and exterior LED lighting. The applicant seeks approval to construct a 3-story residential apartment building containing 26 one-bedroom units. Any and all additional variances that may be required.

At the request of the attorney for the applicant, this matter was continued by the Board until the June 21, 2023 meeting of the Board with no further notice required.

3. **MAIN FOOT AND ANKLE LLC**, 1610 Main St. & 80 W. 2<sup>nd</sup> St., Block 9.07, Lots 25 and 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is proposing a consolidated subdivision of 1610 Main Avenue and 80 West 2<sup>nd</sup> Street. The applicant further proposes a 3-story mixed use building for medical offices and a retail pharmacy. A D1 use variance is requested in addition to any and all other variances as may be required.

At the request of the attorney for the applicant, this matter was continued by the Board until the June 21, 2023 meeting of the Board, with no further notice required.

4. **SASAN IMANI**, 32 Lorrie Lane, Block 71.03, Lot 24 – RA3 – The applicant is proposing a second-floor expansion and 3rd story addition which requires the following variances, side yard setbacks proposed at 4.9' and 4.5' where 6' is required, combined side yard setback proposed at 9.4' where 16' is required, proposing conversion of attic to 3rd story where 2 stories are permitted.

After a review of the testimony presented during the May 17, 2023 hearing, Comr. Michael Molner moved to deny the application. The motion was seconded by Comr. Alessia Eramo. Voting in favor of the Motion to deny the application were Comrs. Alessia Eramo, Michael Molner, and Chrmn Mark Zecchino. Voting against the Motion to deny were Comrs. Maureen O'Connor, Zalman Gurkov, and Vice Chrmn Gerard Scorziello. Comr. Sochon recused himself from participation as he was not present during the May 17, 2023 hearing. By a three to three vote, the motion failed. Following no motion to approve, the matter was carried until the June 21, 2023 Meeting of the Board.

## NEW HEARINGS

1. **KEVIN & KAREN URENA**, 30 MacArthur Drive, Block 63.01, Lot 1  
Variances – RA1 – The applicant is requesting to keep already existing 4’ solid fence along MacArthur Drive and 5’ solid fence where 4’ 50% open is required.

The applicant, residing at 30 MacArthur Drive, Clifton, New Jersey was present and sworn. There were no objectors.

The applicant testified that he unknowingly installed an illegal fence. The fence is considered illegal because it is an entirely solid fence. The applicant explained that the fence is solid for both privacy and safety purposes, as the fence runs against a wilderness area. The intent of the fence was to keep out animals and wild life.

Ms. Bolcato clarified that due to a recent ordinance change, the only issue is the front side fence.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to approve the application on the grounds and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O’Connor, Zalman Gurkov, Scott Sochon, Michael Molner, on the grounds that the position of the fence and arborvitaes made the application unique, Vice Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

2. **NANCY ASMAD**, 146 6<sup>th</sup> Avenue, Block 9.05, Lot 2- RB1 – The  
Variances applicant is requesting to keep already constructed 6’solid fence in rear yard where 5’ solid and 1’ lattice is permitted and along a portion of the right side of the home where 5’ solid is permitted.

Appearing on behalf of the resident and sworn was co-owner of the property Sarita Asmad, residing at 146 6<sup>th</sup> Avenue, Clifton, New Jersey was present and sworn. Also present and sworn was Colin Johnson, of Hackensack, New Jersey. There were no objectors.

The applicant testified that the fence was installed during the pandemic and is a 6foot solid fence around the property. Mr. Johnson testified that the fence was extremely expensive to install and would cost over \$10,000 to replace. He is asking to keep the fence based on this hardship.

Chrmn Zecchino explained that the Board recently consulted with the City Council regarding the change of the ordinance and it was changed to permit a 6 foot fence which is 5 foot solid and 1 foot lattice at the top. Mr. Johnson asked what lattice is.

Ms. Asmad stated that when she purchased the property, everything was shut down due to the pandemic and while she wanted to install this fence, there was no ability to access City Ordinances. She explained that they relied on their contractor who did not advise them of any violations at the time of the construction. Ms. Asmad explained that the fence was installed for safety reasons.

Chrmn Zecchino stated that he cannot recall the last time that the Board approved a 6’ solid fence.

Vice Chrmn Scorziello asked if the contractor provided the applicant with any guidance regarding zoning requirements, as 6 foot solid fences are very rarely allowed in various municipalities.

Mr. Johnson stated that the fence is not visible from any sidewalk or street. Ms. Asmad said it is only 1 foot difference and that she would have never known unless they received the correspondence from the City.

Comr. O'Connor asked if the applicant contacted the contractor about this issue. The applicant stated that there has been no contact.

Ms. Asmad offered the following Exhibits:

Exhibit A-1 – Cellphone photograph of fence.

Ms. Asmad explained as to where the fence is positioned. Chrmn Zecchino stated that when he visited the property, he was able to see the fence from the side.

After a review of the testimony, Vice Chrmn Gerard Scorziello, expressing sympathy for the applicants but noting the absence of extreme hardship, moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Michael Molner. Voting in favor of the Motion to deny the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, expressing sympathy for the applicants. By a seven to zero vote, the motion carried and the application was denied in the form as more fully appears at the end of these Minutes.

3. **ATEF HOUWAYEK**, 678 Bloomfield Ave, Block 50.05, Lot 44 – RA3  
Variances - The applicant is proposing rear addition which requires the following variance; rear yard setback proposed at 30' where 35' is required.

The applicant, residing 678 Bloomfield Avenue, Clifton, New Jersey was present and sworn. Also present on behalf of the applicant and sworn to give testimony was Natalia Houwayek, 678 Bloomfield Ave, Clifton. There were no objectors.

The applicant testified that they are looking to expand their current living room and are requesting a rear yard setback, which encroaches by 5 feet.

Comr. Eramo asked why the applicant wants the additional feet. The applicant explained that the current livingroom is 11x15 feet and there is no dining room. Given the current foot print, there is not enough room to expand. The applicant does not want expand into the kitchen area as it will make the renovation more complicated.

After a review of the testimony, Comr. Scott Sochon moved to approve the application, on the grounds that the request is deminimus, and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Maureen O'Connor. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

4. **CLIFTON ELKS LODGE 1569**, 775 Clifton Avenue, Block 30.09, Lot 14 & 15 – RB2 – The applicant is requesting to keep an already constructed metal ramp to provide ADA accessibility which requires a variance for violating the front yard setback requirement (proposed at 21' where 25' is required) as well as extending into the side parking lot area.

Glenn Peterson, Esq., of Peterson & Peterson, 1037 Rt. 46 E, Suite 105, Clifton, New Jersey appeared on behalf of the applicant. Also present and sworn were: Keith Oakley, 999 Clover Road, Clifton, NJ, trustee of the Clifton Elks Lodge. There were no objectors.

Mr. Peterson offered a brief summary of the application and the Elks Lodge organization. Mr. Peterson explained that the Elks have supported the community since 1930. Mr. Peterson explained that the ramp that was installed was necessary to accommodate the aging population of the members. The ramp encroaches on the setback by 4 feet

Comr. Gurkov asked when the ramp was installed. Mr. Oakley testified that the ramp was installed 6 months ago.

Chrmn Zecchino asked Zoning Officer Bolcato when this matter arose. Ms. Bolcato explained that when the ramp was inspected, the setback encroachment was noted.

Comr. Molner asked about installing nice bushes in front of the ramp. Mr. Oakley stated that it is a nice ramp and needed in the community. Comr. Molner suggested that some bushes could assist in “dressing up” the area. Mr. Oakley agreed that the bushes could be installed.

As a condition of approving the application, the Board instituted the following stipulations: bushes or hedges should be installed in order to camouflage the ramp.

After a review of the testimony, Vice Chrmn Gerard Scorziello moved to approve the application with the noted stipulations and instructed the Counsel Secretary to prepare the proper Resolution. The motion was seconded by Comr. Scott Sochon. Voting in favor of the Motion to approve the application were Comrs. Alessia Eramo, on the grounds that it adds ADA access and is not an addition of impermeable surface, Maureen O’Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried and the application was approved in the form as more fully appears at the end of these Minutes.

5. **DHF REALTY LLC**, 618-630 Rte 46, Block 24.05, Lot 1 - M-2 with  
Variances; Use PDO-1 Overlay- The applicant is requesting a use variance and site plan  
Variance; Site Plan approval to store 148 unregistered new and used motor vehicles in  
connection with an offsite automobile dealership as well as on site fleet  
maintenance. Applicant is also looking for relief from the following  
variances, parking in front yard where not permitted, parking areas no  
closer than 5' side lot line where 0.5' is being proposed, and any other  
variances, waivers, exceptions, or other relief that may be necessary.

Glenn Peterson, Esq., of Peterson & Peterson, 1037 Rt. 46 E, Suite 105, Clifton, New Jersey appeared on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: John L. Fette, 1137 Rt. 46 Jct. Rt. 3, Clifton, NJ 07013, the applicant; and Thomas Donohue, Donohue Engineering, 210 Summit Avenue, Montvale, New Jersey an engineer. There were no objectors.

The Board is in receipt of: Engineering Review No. 1 from its Engineer, Neglia Engineering Associates dated May 19, 2023; and Planning Review No. 1 from its Planner, Graviano & Gillis Architects & Planners LLC dated June 5, 2023.

Mr. Peterson offered a brief summary of the project. He explained that the applicant is seeking a use variance, 2 bulk variances, and site plan approval to permit the storage of 148 new and used vehicles. He explained that the applicant’s family has a long standing history of storing and repairing cars in Clifton. Currently, the applicant cannot store any more cars than it presently holds and is looking to expand to address supply chain issues of today.

Mr. Peterson stated that there will be no retail activity or car delivery or trailers on the site. The applicant also testified that the current tenant has previously left.

Comr. Sochon asked how cars will be delivered to the site. The applicant testified that cars will be delivered to the dealership and driven over to the site individually.

Mr. Donohue offered engineering testimony. Mr. Donohue stated that the property is irregular in shape and is a triangular shape. The property has 2 adjacent railroads, and is next to Rt 46. The property is surrounded by m-2 zoned properties. Mr. Donohue testified regarding the size of the property and the one story building thereon. Mr. Donohue stated that the property mostly consists of dirt and gravel and there is some asphalt on the property. Mr. Donohue testified regarding the entrance and egress of the property in their current form, which will be maintained in the changing conditions.

Mr. Donohue testified that the applicant is seeking to store and maintain vehicles on the property, and that there will be between 10-15 employees on the property. This requires 7 parking spaces, but the number of parking spaces is increased to 12 based on the size of the building. Mr. Donohue testified that there is striped area in front of the garage area which can be used for additional employee parking if necessary.

Mr. Donohue testified that the applicant is proposing to install planters to camouflage the property as well as a chain link fence. Mr. Donohue testified that concrete curbing will be installed.

Mr. Donohue testified that parking in the front yard is a variance requested and is currently in existence at that property. Mr. Donohue stated that the applicant will be installing a stormwater drainage system which will discharge out to the northern end of the property. The basin to be installed can sustain a 100 year storm.

Mr. Donohue testified that the applicant is requesting a waiver for the foot candles. He also testified that there is sufficient area for firetruck access.

Mr. Peterson asked if the applicant is changing the footprint of the structure. Mr. Donohue confirmed that the footprint is not going to change.

Mr. Peterson confirmed that the applicant's planner is not available this evening and will provide testimony at the next meeting.

Chrmn Zecchino asked about signage. Mr. Donohue stated that the existing sign will be maintained.

Anthony Kurus of Neglia Engineering, the Board's Engineer, asked about the Route 46 signage. Mr. Donohue stated that the signs will remain to indicate entrance to the site. Mr. Kurus asked about a submission for a letter of no interest. Mr. Donohue confirmed that the applicant will seek that letter. Mr. Kurus stated that it looks like easier entrance and egress but that the ultimate jurisdiction remains with the Department of Transportation.

Nicholas Graviano of Graviano & Gillis, the Board's Planner, stated that the application has no major issues. He addressed issues regarding employee parking. He asked if the applicant is conducting any repairs to the current building. The applicant testified that the building will be painted and cleaned up. Mr. Graviano stated that the site will benefit from the addition of shade trees in the rear of the parking lot. Mr. Peterson stated that no one would see it, but agreed that the applicant will ad them.

Chrmn Zecchino asked if the entirety of the property will be paved. The applicant stated no. Mr. Graviano stated that there will be an unpaved area beyond the garbage area, and that is where he is recommending shade trees.

Comr. Eramo asked about the site plan. She asked if the north side vegetation is on the applicant's property and if so, will it be removed. Mr. Donohue stated there is a slope area on the northern area where there is the vegetation and it is on the railroad property. Mr. Donohue stated that no trees would be cut down there as it is on the adjacent property.

Comr. Eramo asked if the applicant would consider the addition of a small set back and some installation of trees. Mr. Donohue stated that this change would require reduction of parking spaces. Mr. Peterson stated there is only another commercial area adjacent and no residential area within 2000 ft.

Comr. Eramo asked if an environmental impact statement would be submitted. Ms. Bolcato explained that the applicant is seeking a waiver of the environmental impact statement.

Comr. Eramo asked about the stormwater drainage. Mr. Donohue provided additional testimony and stated that the applicant would be considering and responding to the comments provided by the Board's professionals.

At that time, Mr. Peterson requested that this matter be continued to June 21, 2023 to permit the applicant's planner to testify with no further notice required.

## RESOLUTIONS

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

1. Upon motion made by Comr Michael Molner, seconded by Comr. Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution DENYING the application of MEIR KANIEL for a request for variances to construct a second-floor addition and covered porch which would result in two and a half stories where only two stories are permitted for premises located at 174 Rutherford Blvd., Block 60.09, Lot 35, was adopted.
2. Upon motion made by Comr Michael Molner, seconded by Vice Chrmn Gerard Scorziello, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of YUNUS ERDURAN for a front yard setback variance to enclose a current open porch for premises located at 96 Mountainview Drive, Block 27.06, Lot 9, was adopted.
3. Upon motion made by Comr. Zalman Gurkov, seconded by Vice Chrmn Gerard Scorziello, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino., the Resolution GRANTING the application of ALEX MUNOZ for a side yard setback variance to construct a second floor addition over the existing footprint for premises located at 58 Warren Street, Block 22.13, Lot 36, was adopted.
4. Upon motion made by Comr. Michael Molner, seconded by Comr. Maureen O'Connor, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEINMAN FAMILY RESIDENCE TRUST for a lot coverage variance, as well as variances for existing non-conformities, to construct a rear deck for premises located at 43 Rowland Ave., Block 50.04, Lot 18, was adopted.
5. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Michael Molner, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution DENYING the application of LUIS AND JESSICA COLLI for variances to convert the property from a single family home to a two-family home for premises located at 22 Burgh Avenue, Block 11.11, Lot 26, was adopted.
6. Upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Michael Molner, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of ZEKI YESILYURT for a D1 use variance to convert a multitenant office building to a mixed-use office and residential building for premises located at 223 (225) Lakeview Ave., Block 2.11, Lot 66, was adopted.
7. Upon motion made by Comr. George Foukas, seconded by Comr. Zalman Gurkov, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino, the Resolution GRANTING the application of ANTHONY'S TOWING for variances to permit usage of a rear warehouse space as a towing yard for indoor storage of vehicles, two uses on one lot, and a site plan waiver for premises located at 454 Allwood Road, Block 69.01, Lot 31, was adopted.
8. Upon motion made by Comr. George Foukas, seconded by Vice Chrmn Gerard Scorziello, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino., the Resolution GRANTING the application of MEHUL ADHVARYU for a use variance and conditional use variance to convert existing retail store into a sit-down restaurant and bar for premises located at 50 Market Street, Block 68.03, Lot 26, was adopted.

9. Upon motion made by Comr. Michael Molner, seconded by Vice Chrmn Gerard Scorziello, and affirmed by Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino., the Resolution DISMISSING WITHOUT PREJUDICE the application of GALLERY HOUSE PUB LLC for premises located at 312 Clifton Avenue, Block 12.05, Lot 22, was adopted.

Thereafter, upon motion made by Vice Chrmn Gerard Scorziello, seconded by Comr. Scott Sochon, the Minutes of the May 17, 2023 regular meeting were adopted with the unanimous approval of the entire Board.

Chrmn Zecchino advised the Board that an applicant has requested that a Special Meeting be held on June 28, 2023 and whether any Board member objected to the request. Hearing none, Chrmn Zecchino advised that a Special Meeting of the Board would be held on said date and instructed the Counsel Secretary to advertise the meeting accordingly.

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

Respectfully submitted,

JACLYN M. MORGESE, ESQ.  
COUNSEL SECRETARY



**MEETING OF JUNE 7, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KEVIN & KAREN URENA for premises known as: 30 MacArthur Drive, Block 63.01, Lot 1 be and the same is hereby: GRANTED a request to keep already existing 4' solid fence along MacArthur Drive and 5' solid fence where 4; 50% open is required.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant is seeking to keep already existing 4' solid fence along MacArthur Drive and 5' solid fence where 4; 50% open is required; and

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

- a. The applicant previously installed a solid fence around his property ; and
- b. The applicant testified that was unaware of the required ordinances; and
- c. The applicant testified that the purpose of the fence is for both privacy and safety, as a portion of the fence abuts a wooded area and keeps wildlife off his property; and
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to keep already existing 4' solid fence along MacArthur Drive and 5' solid fence where 4; 50% open is required for premises located at 30 MacArthur Drive, Block 63.01, Lot 1, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by:**

**Seconded by:**

**Affirmed by:**

**Vice Chrmn GERARD SCORZIELLO**

**Comr. SCOTT SOCHON**

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

**MEETING OF JUNE 7, 2023.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **NANCY ASMAD**  
for premises known as: **146 6th Avenue, Block 9.05, Lot 2**  
be and the same is hereby: **DENIED** a request to keep already constructed 6' solid fence in rear yard where 5' solid and 1' lattice is permitted and along a portion of the right side of the home where 5' solid is permitted.

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Vice Chrnm Gerard Scorziello moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests to keep already constructed 6' solid fence in rear yard where 5' solid and 1' lattice is permitted and along a portion of the right side of the home where 5' solid is permitted; and

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

- a. The applicant testified a 6 foot solid fence was installed around the property during the pandemic ; and
- b. The applicant testified that the fence was constructed by a contractor, whose expertise the applicant relied on; and
- c. The applicant testified that the contractor did not inform the applicant of the need for any variances or the existence of any ordinances prior to construction of the fence; and
- d. The applicant testified that the construction of the existing fence was extremely expensive and that the cost of removal or reconstruction of the fence would exceed \$10,000; and
- e. The applicant has failed to show sufficient hardship to justify the grant of the variance requested;
- f. The detriments of the application outweigh the benefits, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a request to keep already constructed 6' solid fence in rear yard where 5' solid and 1' lattice is permitted and along a portion of the right side of the home where 5' solid is permitted for premises located at 146 6th Avenue, Block 9.05, Lot 2, is hereby denied.

**Resolution moved by:** Vice Chrnm GERARD SCORZIELLO  
**Seconded by:** Comr. MICHAEL MOLNER  
**Affirmed by:** Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Michael Molner, George Foukas, Vice Chrnm Gerard Scorziello and Chrnm Mark Zecchino.

**MEETING OF JUNE 7, 2023.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ATEF HOUWAYEK  
for premises known as: 678 Bloomfield Ave, Block 50.05, Lot 44  
be and the same is hereby: GRANTED a variance for a rear yard set back to construct a rear addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. Scott Sochon moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is seeking a variance for a rear yard set back of 30' where 35' is required to construct a rear addition; and

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

- a. The applicant testified that they are looking to expand their current living room and are requesting a rear yard setback, which encroaches by 5 feet; and
- b. The applicant testified that expansion of the living room through the kitchen would create a hardship for the applicant; and
- c. The applicant testified that the addition would improve the applicant's quality of life; and
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a variance for a rear yard set back of 30' where 35' is required to construct a rear addition for premises located at 678 Bloomfield Ave, Block 50.05, Lot 44, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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

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

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

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

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

17. All utilities to be constructed underground.

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

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

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

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

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

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

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by:**

**Seconded by:**

**Affirmed by:**

**Comr. SCOTT SOCHON**

**Comr. MAUREEN O'CONNOR**

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

**MEETING OF JUNE 7, 2023.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **CLIFTON ELKS LODGE 1569**  
for premises known as: **775 Clifton Avenue, Block 30.09, Lot 14 & 15**  
be and the same is hereby: **GRANTED a front yard setback variance in order to keep an already constructed ADA accessible metal ramp.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 7, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant is seeking a for a front yard setback of 21' where 25' feet is required following construction of an ADA accessible metal ramp; and

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

a. The applicant testified that the Elks Lodge is a community service organization which has supported the City of Clifton and its residence since 1930; and

b. The applicant testified that due to the age of certain members, the construction of an ADA accessible ramp in the front of the building was necessary; and

c. The applicant testified that ramp was constructed six months ago and, at the time of construction, the applicant was unaware that the ramp encroached on the setback; and

d. Following inspection of the ramp, the applicant was notified of the need for the variance; and

e. The applicant has stipulated that:

1. The applicant will plant bushes, shrubs, or other plants in front of the ramp for the purposes of beautification; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a front yard setback variance in order to keep an already constructed ADA accessible metal ramp for premises located at 775 Clifton Avenue, Block 30.09, Lot 14 & 15, is hereby approved and the variances are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.

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

**Resolution moved by:** Vice Chrmn GERARD SCORZIELLO  
**Seconded by:** Comr. SCOTT SOCHON  
**Affirmed by:** Comrs. Alessia Eramo, Maureen O'Connor, Zalman Gurkov, Scott Sochon, Michael Molner, Vice Chrmn Gerard Scorziello and Chrmn Mark Zecchino.