

Minutes of a virtual meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 17, 2020. 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, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR ROY NOONBURG.

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 Scott Sochon, the Minutes of the June 3, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

NEW HEARINGS – VIRTUAL MEETING

1. EVELYN MENDEZ, 95 Haussler Terrace,
Variances Block 75.05, Lot 3 – RA1 – Applicant
 proposes a rear yard addition and deck to
 create a wheelchair accessible area within
 the home. The following variances are
 requested:
 1) Rear yard proposed at 30.7' where 35'
 is permitted.
 2) Right side yard proposed at 9.9' where
 10' is required.
 3) Combined side yards proposed at 22.9'
 where 24' is required.

The applicant, residing at 95 Haussler Terrace, Clifton, New Jersey, was present and sworn. Present and sworn on behalf of the applicant was Thomas

Mesuk, architect, with offices at 197 Valley Boulevard, Wood-Ridge, New Jersey. There were no objectors.

Mr. Mesuk testified that the applicant proposes to erect a rear yard addition and deck to create a wheelchair accessible area within the home; that variances are required for rear yard proposed at 30.7 feet where 35 feet is required; right side yard proposed at 9.9 feet where 10 feet is required; and combined side yard proposed at 22.9 feet where 24 feet is required.

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

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

2. **ORLANDO FELICIANO**, 18 Myron Street, Block 59.08, Lot 29 – RB-1 – Homeowner proposes to build a deck from the house to the swimming pool. The following variances are requested:
- 1) Rear yard proposed at 20' where 35' is required.
 - 2) Right side proposed at 4.9' where 6' is required (existing condition).
 - 3) Lot coverage proposed at 29.6% where 27% is permitted.
 - 4) Deck proposed 0' from the swimming pool where 10' is required.

The applicant, residing at 18 Myron Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Feliciano testified that he proposes to remove the existing wood deck and replace with a new enlarged composite deck which will extend from the rear of the house to the existing above-ground swimming pool; that variances are required for rear yard where 20 feet is proposed and 35 feet is required; right side yard where 4.9 feet is proposed and 6 feet is required; lot coverage is proposed at 29.6

percent where 27 percent is required; and the deck is proposed 0 feet from the swimming pool where 10 feet is required.

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

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

3. **ELAZAR GUTTMAN**, 41 Woodward Avenue,
Variances Block 50.11, Lot 25 – RA2 – Applicant
proposes to remove the existing detached garage and build an attached garage addition to the home. A second story addition is also proposed over the previously approved single story on the right side and over the entire existing home. The following variances are requested:
- 1) Rear yard setback proposed at 25' at the proposed addition over the existing home.
 - 2) Proposed attached garage is 12'6" from the rear yard lot line where 35' is required.
 - 3) Existing driveway to be removed and replaced in front of attached garage and shall conform with Zoning regulations.

The applicant, residing at 41 Woodward Avenue Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Guttman testified that he proposes to remove the existing detached garage and build an attached garage to the home; that a second story addition is proposed on the right side and over the entire existing single-family house; that a 25-foot rear yard setback variance is required for the proposed second story addition where the existing structure already has a non-conforming rear yard setback of 25 feet; that a rear yard lot line variance is required for the proposed attached garage that is proposed at 12 feet 6 inches from the rear yard lot line where 35 feet is

required; that the existing driveway is to be removed and replaced in front of the new attached garage and will confirm with Zoning regulations.

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

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

4. **RAYMOND NOWICKI, 1037 Route 46,**
Use Suite G5, Block 39, Lot 21 Qualifier:
Variance CCG05 – B-D – Applicant proposes to
add a small (320 square foot) coffee bar
within the office building to serve the
employees of the building. The use would
be accessory to office use. The coffee bar
is not intended for the general public. A
conditional use variance is required for the use
(takeout restaurant) as the use does not
meet the conditional use requirements.
A site plan waiver is requested as there are
no proposed changes to the exterior of
the building.

There was no testimony on this application due to defective notice. The matter would be listed for hearing upon proper proof of notice.

CONTINUED HEARING

1. **UKRAINIAN CULTURAL CENTER OF CLIFTON,**
Re-Subdivision; **INC.**, 110 Vincent Drive, Block 63.01, Lots
Use 24.01 and 24.02 – RA1 – Re-subdivision of the
Variance; property into one single lot, use variances for the
Variances proposed use as a cultural, educational and
social center and for having more than one
principal use on the same lot and bulk variances
for building height (30’ permitted 32.89’
proposed), and size of parking spaces
(9’x19’ permitted, 8’x18’ proposed).

This matter was continued without date.

RESOLUTIONS

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

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MOHAMMAD KARITI AND ALHAG ESSA for a use variance to permit the expansion of the existing two-family dwelling at 10 Van Orden Place, Block 17.01, Lot 22, was adopted. RA3
2. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DALCO & GHAGHOIL ENTERPRISES LLC for conditional use variances, use variance, and bulk variance to expand the outdoor eating area by 1,260 square feet in the rear of the existing restaurant at 247 Piaget Avenue & 1330 Main Avenue, Block 11.01 and 10.16, Lots 15 and 18, was adopted. B-C
3. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of M & C FIT FOREVER, INC. for use variance and conditional use variance for an Herb-A-Life store with a commercial kitchen to prepare shakes at 130 Lakeview Avenue, Block 7.05, Lot 11, was adopted. B-C

4. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Zalman Gurkov, Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ROSARIO RIZZO for use variance for a towing yard, towing office area, and indoor storage of vehicles at 620 Broad Street, Block 34.02, Lot 2, was adopted. M-2

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF JUNE 17, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: EVELYN MENDEZ for premises known as: 95 Haussler Terrace, Block 75.05, Lot 3 be and the same is hereby: GRANTED rear yard, right side yard, and combined side yard variances to erect a rear addition and deck to create a wheelchair accessible area within the home.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on June 17, 2020. Said testimony along with the application and 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 rear yard, right side yard, and combined side yard variances to erect a rear addition and deck at premises located at 95 Haussler Terrace, Block 75.05, Lot 3, which premises are located in an RA1 zone; and

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

- a. A rear yard addition and deck is proposed to create a wheelchair accessible area within the home;
- b. A variance is required for rear yard setback where 35 feet is required, and the applicant is proposing 30.7 feet;
- c. A variance for right side yard setback is required where 10 feet is required, and the applicant is proposing 9.9 feet;
- d. A variance for combined side yards is required where 24 feet is required, and the applicant is proposing 22.9 feet;
- 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 rear addition and deck will be in accord with the intent and purpose of the master plan and the zone ordinance; and

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

NOW THEREFORE, BE IT RESOLVED that the application to construct a rear addition and deck at premises located at 95 Haussler Terrace, Block 75.05, Lot 3, be and the same is hereby approved and the variances for rear yard, right side yard, and combined side yards 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; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr LOUIS DE STEFANO.
Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.
Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 17, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ORLANDO FELICIANO for premises known as: 18 MYRON STREET, BLOCK 59.08, LOT 29 be and the same is hereby: GRANTED rear yard, right side yard, lot coverage, and distance from deck to swimming pool variances to build a deck from the house to the above-ground swimming pool.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on June 17, 2020. Said testimony along with the application and 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 variance approval as aforesaid to build a deck from the house to the swimming pool at premises located at 18 Myron Street, Block 59.08, Lot 29, 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 intends to remove the existing wood deck and replace with a new enlarged composite deck which will extend from the rear of the house to the existing above-ground pool;
- b. A variance is required for rear yard setback where 35 feet is required, and the applicant is proposing 20 feet;
- c. A variance is required for right side yard where 6 feet is required, and the applicant is proposing 4.9 feet which is an existing condition;
- d. A lot coverage variance is required where 27 percent is permitted, and the applicant is proposing 29.6 percent;
- e. A variance is required for a deck 0 feet from the swimming pool where 10 feet is required;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build a deck from the house to the above-ground swimming pool at premises located at 18 Myron Street, Block 59.08, Lot 29, be and the same is hereby approved and the variances for rear yard, right side yard, lot coverage, and distance from deck to swimming pool 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; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr GEORGE FOUKAS.
Affirmed by: Comrs Scott Sochon, Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF JUNE 17, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ELAZAR GUTTMAN for premises known as: 41 WOODWARD AVENUE, BLOCK 50.11, LOT 25 be and the same is hereby: GRANTED rear yard setback and rear yard lot line variances to erect an attached garage addition and build a second story addition over the previously approved single story on right side and over the entire existing home.

Testimony concerning the aforesaid application was taken by the Board at its virtual meeting on June 17, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to build an attached garage addition to the home and build a second story addition over the previously approved single story on the right side and over the entire existing home at premises located at 41 Woodward Avenue, Block 50.11, Lot 25, 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. On May 1, 2019, the Zoning Board granted a rear yard setback variance to the applicant for a rear one-story addition. The testimony and Resolution are incorporated herein and made a part hereof.
- b. The within application is to remove the existing detached garage, build an attached garage addition to the home, and build a second story addition over the previously approved single story on the right side and over the entire existing home;
- c. A rear yard setback variance is required where 25 feet is proposed for the addition over the existing home;
- d. A rear yard line variance is required where 35 feet is required, and the applicant is proposing 12 feet 6 inches for the proposed attached garage;
- e. The applicant has indicated that the existing driveway will be removed and replaced in front of the attached garage which will conform with Zoning regulations;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to build an attached garage addition to the home and build a second story addition over the previously approved single story on the right side and over the entire existing home at premises located at 41 Woodward Avenue, Block 50.11, Lot 25, be and the same is hereby approved and the variances for rear yard setback and rear yard lot line 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; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

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