

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, June 19, 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, MICHAEL MOLNER, DANIEL TRENK, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR SCOTT SOCHON.

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 Vice-Chrmn Gerard Scorziello, the Minutes of the June 5, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

#### CONTINUED HEARING

1. KMG DEVELOPMENT, LLC, 596 Clifton Avenue  
Use (6<sup>th</sup> Street), Block 20.04, Lot 24 – B-A1 –  
Variance; Use variance required for two principal uses on  
Variances the same lot and bulk variances are required  
for front yard setback (25 feet required, 9 feet  
proposed) and a minimum side yard setback  
(1 foot and 2 feet 6 inches proposed, 5 feet  
required) in order to permit the paving of 7  
parking spaces for the subject property, 2 to be  
used by the residential occupants of the house  
and 5 to be used for the tenants of the  
property with the same ownership situated  
immediately to the east of the subject  
property.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Mario Kruszewski of 58 Franklin Avenue, Clifton, New Jersey. There were no objectors.

Mr. Carlet stated that the applicant is seeking a use variance for two principal uses on the same lot, and bulk variances are required in the front yard setback where 25 feet is required and 9 feet is proposed; in the side yard setbacks where 5 feet is required and the applicant is proposing 1 foot and 2 feet 6 inches; that the purpose is permit paving of seven parking spaces for the premises in question, two spaces to be used by the residents and five to be used for a commercial property owned by the same individual to the east of the premises in question; that the proposal is very common along Clifton Avenue, and the granting of the variances will satisfy the intent and purpose of the master plan.

The Board had before it the benefit of a report from its Planning Consultant, Gregory Associates, dated May 30, 2019.

Entered into evidence as "A-1" is a google map showing an aerial view of the premises.

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. 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.

#### NEW HEARINGS

1. STEVEN GRONOWITZ, 519 Mt. Prospect Avenue, Variances Block 55.05, Lot 49 – RA2 – Applicant proposes to build a small addition to the right side and enclose the existing porch. Following variances are requested:
  - 1) Right side yard proposed at 3.1' where 6' is required.
  - 2) Combined side yards is 10.3' where 16' is required.

The applicant, residing at 519 Mt. Prospect Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval to build a small addition to the right side and enclose the existing porch; that the right side yard setback requirement is 6 feet, and the applicant is proposing 3.1 feet; that the

combined side yard requirement is 16 feet, and the applicant is proposing 10.3 feet; then, in addition, the applicant is requesting approval for the installation of a compressor in the side yard where 6 feet is requested and 3.1 feet is proposed.

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 application. 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. **ARON & RONIT GOTTESMAN, 78 Patricia Place,**  
Variance Block 71.01, Lot 18 – RA3 – Applicant proposes  
to install a six foot (6') high back yard fence  
where 5' high is permitted.

The applicants, residing at 78 Patricia Place, Clifton, New Jersey, were present and affirmed to give testimony.

Mrs. Gottesman testified that the applicants request approval to install a 6-foot-high back yard fence facing the cemetery where a 5-foot-high fence is permitted; that the purpose of the fence is to provide privacy in the rear yard from the view of the cemetery.

After a review of the testimony, Comr Michael Molner 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 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.

3. KETAN KUMAR PATEL, 15 Broadale Avenue,  
Variance Block 45.05, Lot 12 – RA2 – Applicant  
proposes a front yard, rear, and second floor  
additions. The following variance is requested:  
1) Front yard setback proposed at 23.56’  
(at porch roof) where 30’ is required.

The applicant, residing at 15 Broadale Avenue, Clifton, New Jersey, was present and sworn. Also present and sworn was Stephen V. Carrozza of 62 Newark Pompton Turnpike, Riverdale, New Jersey, an architect. There were no objectors.

Mr. Carrozza, the architect, testified that the applicant is proposing a front yard, rear, and second floor additions at the subject premises; that the front yard setback is 30 feet, and the applicant is proposing 23.56 feet; that the lot is irregular in shape due to the “S” curve of Broadale Avenue and has a pre-existing front yard setback; that the variance requested by the applicant is minimal and will cause no detriment to the neighborhood or impair the intent and purpose of the zone plan.

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 variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting for the motion 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. CLIFTON IL, LLC, 782 & 784 Valley Road, Block 44.01,  
Use Lots 14 & 11 – RA1 – Use and Bulk Variances and  
Variance; Site Plan Approval required for the construction of  
Variances a 31 unit garden apartment development limited to  
residents 55 years of age and older. The bulk  
variances required are for minimum side yard  
(10’ proposed, 8.5’ provided and 24’ total proposed  
and 18.5’ provided), maximum building height  
(30’ required, 35’ proposed), maximum density  
(7 dwelling units permitted per acre, 25 units per  
acre proposed) and parking space size (9’ by 9’  
required, 9’ by 18’ proposed). Bulk variances  
from steep slope district required as follows:

	Average Slope	Maximum Building Coverage	Maximum Impervious Surface in Addition to Buildings	Minimum Open Space
Permitted:	0-15%	25%	30%	30%
	15.1-25%	15%	25%	40%
	25.1-30%	10%	25%	50%
	Over 30%	0%	0%	100%
Proposed:	0-15%	51%	80%	20%
	15.1-25%	27%	43%	
	25.1-30%	31%	42%	
	Over 30%	9%	16%	84%

Soil shall be excavated, removed, deposited, or disturbed within an area of slope in excess of 30%, which is not permitted. The uppermost point of a cut slope shall be higher than the top of the nearest downhill structure or building and the vertical cut shall be greater than 15' which is not permitted. Such other variances or waivers as may be determined to be required in the course of hearing the application.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Suite 104, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Roger Bernier, President of Chelsea Senior Living, and Managing Member of the applicant, 316 South Avenue, Fanwood, New Jersey; Peter Steck of 14 Maplewood Avenue, Maplewood, New Jersey, a planner; Douglas J. Coleman of 266 King George Road, Warren, New Jersey, an architect; and John Harter from Atlantic Traffic + Design, 35 Technology Drive, Warren, New Jersey, a professional engineer. There was one interested party, Mary Flynn of 14 Breen Court, Clifton, New Jersey.

Mr. Carlet stated that the applicant requests approval for use and bulk variances and site plan approval for the construction of a 31-unit garden apartment

development limited to residents 55 years of age and older; that bulk variances are required for minimum side yard, maximum building height, maximum density, and parking space size and bulk variances from the Steep Slope Ordinance.

Douglas Coleman, an architect, testified that the applicant proposes to construct an age-restricted multi-family development consisting of 31 units; that there will be 4 two-bedroom units and 27 one-bedroom units; that the project is proposed to be a two-story residential building over a level of parking that is partially underground; that a total of 38 parking spaces are proposed, 6 of which are proposed outside and the remainder are proposed in an underground parking lot; that the plans show a club room, an art room, a craft room, and a multi-purpose library. Mr. Coleman reviewed the architectural plans "A-1" through "A-5" of the proposal.

Offered into evidence and marked as "A-1" is a colored rendering of the building.

Peter Steck testified as a planner and offered into evidence which was marked "A-2" a handout consisting of six pages which included the following:

Page 1: An aerial view and photographs of Lot 14 and Lot 11;

Page 2: Six photos of the Senior Living building under construction;

Page 3: Six photos of the surrounding area;

Page 4: The site plan and the topographic conditions;

Page 5: A Socio-Economic Characteristic and Statistical data from a portion of the 2003 City of Clifton Master Plan;

Page 6: Colored view of uses surrounding the premises in question; that the project will be age-restricted 55 and over; that although the zone is RA1, for residential use, the site really is not a family zone considering all the surrounding buildings; that the purpose of the restriction of 55 and over is a classification from the Fair Housing Council; that the definition of a Senior Citizen under the Land Use Law is 62 years and over; that this facility should be considered Senior Citizen Housing; that the proposal advances the purposes of the Municipal Land Use Law, N.J.S.A. 40:55D-2; that the project enables sharing of services with next-door Senior Citizen Housing; that the applicant is seeking a D-6 height variance which is next to the Senior Citizen Project and a D-5 density variance along with a Steep Slope variance; that the Cliff Face of the Slope will not be disturbed; that the site is particularly suited for the proposed use; that the Master Plan recognizes a need for this type of housing; that there will be no detriment to the zone plan and zone ordinance; that for land use purposes, the site is all one tract, Lot 14 and Lot 11; that the purpose of the purpose of the Steep Slope is to save the remnants of the cliff face; that there is a great demand for housing for this age group; that the applicant is willing to stipulate to an age of 62 and over and not 55 and over.

Roger Bernier testified as the President of the applicant and stated that the applicant is also the owner of the assisted living senior citizen complex located next door; that there is a demand for housing of this type in Clifton; that the typical resident is an isolated individual who probably does not drive and can no longer maintain their home; that the average stay of an individual is approximately 1½ years; that the project will provide concierge services, housekeeping, medication services, and a happy hour every day; that there will be approximately 25 employees during the day and 40 total; that the applicants must be approved, and there will be no financial application; that the cost of a one-bedroom apartment will be approximately \$1,800.00 and the cost of a room at the assisted living facility is \$4,000.00; that the site is suitable for the proposed use; that this satisfies the need for affordable senior citizen housing.

The Board reviewed the report from its engineering consultant, Neglia Engineering, dated May 29, 2019; and revised June 10, 2019; and the report from Gregory Associates dated June 13, 2019.

At this point in the hearing, Chrmn Mark Zecchino continued the matter until the July 17, 2019, meeting of the Board.

#### RESOLUTIONS

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

1. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Michael Molner, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MICHAEL & TAYLA SCHMIDT for rear yard, right side yard, left side yard, combined side yards, and lot coverage variances for a rear addition and second floor addition at 47 Lorrie Lane, Block 71.04, Lot 32, was adopted. RA3

2. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of EUGENIUS MYSLIWIEC for right side yard setback and front yard setback variances to build two dormers on the right side of the house at 49 Sargeant Avenue, Block 36.12, Lot 3, was adopted. RB1

3. Upon motion made by Comr Louis DeStefano, seconded by Comr George Foukas, and affirmed by Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JIHAD R. ABDELAZIZ for variance for a 5-foot-high solid fence along the rear property line facing Grove Street at 9 Abbe Lane, Block 27.12, Lot 2, was adopted. RA2

4. Upon motion made by Comr Roy Noonburg, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of QUICKS II, LLC & QUICKS BAKERY LLC for a D(3) variance and amended site plan to convert an existing billiard hall into a delicatessen containing 2,150 square feet and a wholesale bakery containing 3,380 square feet at 1142 Route 46 West, Block 44.04, Lot 25, was adopted. B-D

5. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of NJVM PROPERTIES, LLC for a conditional use variance for a wireless telecommunications contractor warehouse with interior overnight parking of service vehicles and interior storage of steel and electronic wiring and construction materials at 473 Route 46 (34 Tristan Avenue), Block 6.08, Lot 4, was adopted. M-2

6. Upon motion made by Comr Roy Noonburg, seconded by Comr Zalman Gurkov, and affirmed by Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JM BAL REALTY LLC for front and street side yard setback for a canopy over the existing gasoline pump island at 443 Lexington Avenue, Block 8.08, Lot 14, was adopted. B-C

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF JUNE 19, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KMG DEVELOPMENT, LLC for premises known as: 596 Clifton Avenue (6<sup>th</sup> Street), Block 20.04, Lot 24 be and the same is hereby: GRANTED use variance and bulk variances to permit paving of seven (7) parking spaces.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 19, 2019. Said testimony along with 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 as aforesaid to construct seven parking spaces at 596 Clifton Avenue (6<sup>th</sup> Street), Block 20.04, Lot 24, which premises are located in a B-A1 zone; and

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

- a. The applicant requests approval to construct seven parking spaces on the subject premises, two of which are to be used for the residential use of the dwelling house at the premises and five to be used for the commercial use of the property immediately to the east of the subject premises;
- b. The area in question is primarily a commercial zone;
- c. There are many other homes in the area with similar-type parking in the backyards;
- d. The proposal requires a use variance to permit two principal uses on the same lot;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. The applicant has shown sufficient hardship to justify the grant of the front yard setback variance and side yard setback variance;
- 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 construct seven (7) parking spaces at premises located at 596 Clifton Avenue (6<sup>th</sup> Street), Block 20.04, Lot 24, be and the same is hereby approved and the use variance and front yard setback and side yard setback 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; 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 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 JUNE 19, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STEVEN GRONOWITZ for premises known as: 519 Mt. Prospect Avenue, Block 55.05, Lot 49 be and the same is hereby: GRANTED proposal to build a small addition to the right side and enclose the existing porch and add a compressor.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 19, 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 variance approval for a small addition to the right side and enclosure of the existing porch together with the addition of a compressor at premises located at 519 Mt. Prospect Avenue, Block 55.05, Lot 49, 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 requests approval for a right side addition, enclosure of the existing porch, and addition of a compressor;
- b. The right side yard setback requirement is 6 feet, and the applicant is proposing 3.1 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 10.3 feet;
- d. The compressor will be installed in the side yard at 3.1 feet where 6 feet is required;
- 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 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 small addition to the right side, enclosure of the existing porch, and the addition of a compressor at premises located at 519 Mt. Prospect Avenue, Block 55.05, Lot 49, be and the same is hereby approved and the right side yard setback and combined side yard setback 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; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by: Comr GEORGE FOUKAS.**

**Seconded by: Comr 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 JUNE 19, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ARON & RONIT GOTTESMAN for premises known as: 78 Patricia Place, Block 71.01, Lot 18 be and the same is hereby: GRANTED variance to install a 6-foot-high back yard fence.**

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

WHEREAS, the applicants requests variance approval to erect a 6-foot-high back yard fence at premises located at 78 Patricia Place, Block 71.01, Lot 18, which premises are located in an RA3 zone; and

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

- a. The applicants propose to install a 6-foot-high back yard fence;
- b. The height permitted for the fence in the rear is 5 feet.
- c. The purpose of the fence is to provide privacy from the view of the cemetery;
- d. The applicants have shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 6-foot-high fence in the rear yard at premises located at 78 Patricia Place, Block 71.01, Lot 18, be and the same is hereby approved and the fence height variance be and the same is 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 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 JUNE 19, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KETAN KUMAR PATEL for premises known as: 14 Broadale Avenue, Block 45.05, Lot 12 be and the same is hereby: GRANTED front yard setback variance to build a front yard, rear, and second floor additions.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on June 19, 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 front yard setback variance approval for a front yard, rear, and second floor additions at premises located at 14 Broadale Avenue, Block 45.05, Lot 12, which premises are located in an RA2 zone; and

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

- a. The applicant proposes to remove the existing half story second floor construction and build a new garage extension and porch roof at the front, a new addition at the rear to expand the kitchen, garage, and living spaces, and add an entirely new second floor to enclose three new bedroom suites.
- b. A variance is requested from the front yard setback where 30 feet is required, and 23.56 feet is proposed at the porch roof;
- c. The lot is irregular in shape due to the "S" curve of Broadale Avenue, and has pre-existing, non-conforming front yard setbacks;
- d. Based upon the testimony of the expert, the proposal provides appropriate space, light, and air for the occupants and neighbors; serves to preserve and advance local property values; serves to aid the relationship between land and building to achieve its goal; and aids in traffic control as a second car will be able to fit into the garage out of sight, reducing the need for street parking;
- 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 proposal 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, rear, and second floor additions at premises located at 14 Broadale Avenue, Block 45.05, Lot 12, be and the same is hereby approved and the variance for front yard setback be and the same is 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 Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**