

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, July 17, 2019. Chrnm 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. Chrnm 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, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

Chrnm 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 Vice-Chrnm Gerard Scorziello, seconded by Comr Scott Sochon, the Minutes of the June 19, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

**CONTINUED HEARING**

1. **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  
 Variancesa 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; Douglas J. Coleman of 266 King George Road, Warren, New Jersey, an architect; and John Harter and Jerrid Dinnen, Professional Engineers with Atlantic Traffic + Design, 35 Technology Drive, Warren, New Jersey. Present and sworn were the following interested parties, Mary Flynn of 14 Breen Court, Clifton, New Jersey and Caitlin White of Clifton, New Jersey.

This is a continued hearing from the meeting of June 19, 2019.

Chrmn Zecchino acknowledged receipt of a report from the Clifton Fire Department dated July 9, 2019.

Offered into evidence were the following exhibits:

“A-3” which is a report of the Chelsea at Warren Independent Living Demograph; and

“A-4” photographs of a typical one-bedroom, club room, and library proposed for the site.

Douglas Coleman testified as to who drives, the ages of residents, and the layout at the Chelsea at Warren site as well as a rendering of the proposed premises and proposed services provided.

John Harter, a traffic expert, testified that he was responsible for the preparation of two reports, one a Traffic Impact Statement dated June 7, 2019; and a Parking Evaluation Report dated July 3, 2019; that from a traffic standpoint of view, there will be a nominal increase in site generation traffic along Valley Road; that from the Parking Evaluation Report, the proposed parking supply of 38 spaces is expected to provide more than adequate parking at the site.

Offered into evidence were the following:

“A-5” is a rendering of the proposed building;

“A-6” is Traffic Impact Statement dated June 7, 2019; and

“A-7” is Parking Evaluation Report dated July 3, 2019.

Also entered into evidence is:

“A-8” a Site layout of the premises.

Jerrid Dinnen gave testimony concerning the ADA requirements, the ramps, asphalt paving, concrete curbing, fence, sidewalk, guide rail, and retaining wall; that the location and extent of the site’s major landforms, including top and base of cliff, the cliff face, talus slope, and side slope. He gave further testimony concerning the grading, drainage and utility installations at the site.

At this point in the hearing, Chrmn Zecchino continued the hearing to the August 21, 2019, meeting of the Board.

**NEW HEARINGS**

1. **STEVEN D'ANTHONY**, 27 Wester Place, Block 75.08, Variance Lot 12 – RA1 – Applicant proposes a 5' high fence

along both sides of the home where a 4' high, 50% open fence is permitted.

The applicant, residing at 27 Wester Place, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he proposes a 5-foot-high fence along both sides of the home where a 4-foot-high 50% open fence is permitted; that the purpose is to allow the fences past the back corners of the house; that the proposed fences will clear the air-conditioning unit and pool equipment; that it will provide privacy for the premises.

Offered into evidence which was marked "A-1" was a photo of the proposed fence which showed a 4-foot-high solid fence with a 1-foot open lattice at the top of the fence.

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 in the affirmative were Comrs Scott Sochon, Michael Molner, 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. **HILDA PEREZ**, 49/51 Lotz Hill Road, Block 38.08, Variances Lot 5 - RA3 - Applicant proposes a rear addition and second story addition. The following variances are requested: 1) Front yard proposed at 23.75' where 25' is required. 2) Left side yard proposed at 5.8' where 6' is required.

The applicant, residing at 49/51 Lotz Hill Road, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that she proposes a rear addition and second story addition at the subject premises; that the purpose of the additions is for extra space for accessible bedroom and living room; that the front yard setback requirement is 25 feet, and she is proposing 23.75 feet; that the left side yard setback requirement is 6 feet, and the proposal will provide 5.8 feet.

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 variances requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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. **ZACHERY GROSS**, 22 Virginia Avenue, Block 50.12, Variances Lot 6 - R-1A - Applicant proposes to rebuild

existing dwelling. The following relief is requested:

- 1) Left side yard proposed at 5.12' where 10' is required.
- 2) Combined side yards proposed at 15.12' where 24' is required.
- 3) Such other relief as may be deemed necessary by the Board.

Glenn Peterson, Esq., with offices at 1037 Route 46E, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Stephen V. Carrozza, an architect, with offices at 62 Newark Pompton Turnpike, Riverdale, New Jersey; and neighbor who had no objections, Tzvi Goder of 28 Virginia Avenue, Clifton, New Jersey. The following objectors were present and gave testimony: William Goldberg, 350 Dwasline Road; Henry Cholewczynski of Phyllis Place; Kelly Eckert of Edgewood Avenue; Mary Sadrakula; and Caitlin White, all of the City of Clifton, New Jersey.

Mr. Peterson stated that the applicant proposes to rebuild an existing dwelling; that variance relief is requested.

Stephen V. Carrozza testified as an architect and testified as to the architectural plans prepared by him; that the applicant is seeking two variances, one is for the left side yard setback proposed at 5.12 feet where 10 feet is required and the combined side yards proposed at 15.12 where 24 feet is required; that the house is approximately 6,000 square feet; that the applicant will stipulate that it will remain a one-family dwelling.

Objectors William Goldberg, Henry Cholewczynski, Kelly Eckert, Mary Sadrakula, and Caitlin White objected to the size of the property; that the large home will not be integrated into the area where single-family homes are located which are much smaller; that there is a potential use of the premises as an accessory use.

Tzvi Goder testified that he is the next door neighbor and that he has no objections to the plans submitted to the Board for the building of the premises.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application with a Deed Restriction restricting the premises to a one-family dwelling. The motion was seconded by Comr Louis DeStefano. Voting for the motion were Comrs Scott Sochon, Michael Molner, Louis DeStefano, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative were Comrs George Foukas and Roy Noonburg. By a five to two vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

4. **TERESA ORTEGA**, 90 E. 3<sup>rd</sup> Street, Block 5.14, Variances Lot 34 – RB1 – Applicant requests the following variances for a “Gazebo” already built in the back yard: 1) Building lot coverage proposed at 34% where 27% is permitted. 2) Rear yard setback proposed at 1.5' where 5' is required.

The applicant, residing at 90 East Third Street, Clifton, New Jersey, was present and sworn. Also present and sworn was her next door neighbor, Awilda DeJesus, 91 East Third Street, Clifton, New Jersey. There were no objectors.

The applicant testified that she purchased the subject premises four years ago, and the gazebo existed; that she was advised by a contractor that when she

wanted the gazebo modified, that no permit was necessary; that the initial gazebo was built of metal and she modified it to make it built in wood.

Awilda DeJesus testified that she is the neighbor and has no objections to the gazebo and the location of same.

The applicant testified that she requests variances for lot coverage where 27 percent is permitted and 34 percent exists; that the rear yard setback requirement is 5 feet and she is proposing 1.5 feet.

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

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

5. **GABRELLIAN ASSOCIATES (Clifton Towne Square)**, Route 3 West/225-259 Allwood Road, Block 80.01, Lots 23 and 30 – Pd-HC – Seeking a permit for **OLD NAVY** who is currently renovating space within the Center to install identification signage along the Route 3 façade which is permitted, and to install one single façade sign on the easterly side of the building which requires a C variance, and any variances or waivers that may be required by the Board during the course of the hearing.

This matter was continued by the Board until the August 21, 2019, meeting at the request of the attorney for the applicant.

6. **SAI GROUP (Target Corp.)**, 30 Kingsland Road, Block 83.01, Lot 1.02 – P-MU – A use “d”  
Use  
Variance; variance and amended preliminary and final  
Variance major site plan approval, together with bulk “c” variance relief (in the event same is determined to be necessary by the Board and/or its professional staff), to permit the installation of six (6) electric vehicle charging stations, together with related site improvements, including, but not limited to a utility transformer and a screened equipment area on property having a street address of 50 Kingsland Road. Pursuant to City of Clifton’s Zoning Ordinance at 461-13.1X et. seq., Applicant’s proposed use of the property for electric vehicle charging is not

permitted within the P-MU Zone. Accordingly, as part of the application, applicant is seeking a use "d" variance pursuant to N.J.S.A. 40:55D-70d(1).

As part of the application, in the event the Board and/or its professional staff determines same to be necessary, applicant is seeking a bulk "c" variance pursuant to N.J.S.A. 40:55D-70c to permit the elimination of eight (8) existing parking spaces on the property.

Applicant is seeking all additional exceptions, waivers, design waivers, variances, interpretations, de minimis exceptions, modifications of conditions of prior approvals, continuation of any preexisting nonconforming conditions, and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) as may be determined to be necessary during the review and processing of the application by the Board and its professional staff.

Duncan M. Prime, Esq., with offices at 14000 Horizon Way, Mount Laurel, New Jersey, appeared on behalf of the applicant. Present and sworn on behalf of the applicant were the following: Aaron Bowen, Electrify America, 30 Edmund Halley Drive, Reston, Virginia; Brigitte Bogart, 47 South Franklin Turnpike, Ramsey, New Jersey; and Brett Magaram, P.E. Lead Engineer, Advantage Engineers, 7070 Samuel Morse Drive, Columbia, Maryland.

Mr. Prime stated that the applicant is seeking a D variance and amended preliminary and final site plan approval, together with bulk variances, to permit the installation of six electric vehicle charging stations, together with related site improvements which include a utility transformer and a screened equipment area.

Aaron Bowen testified that the premises in question is a Target Department Store and parking layout; that the applicant proposes to install car charging stations and a screened equipment area within 14 of the existing spaces; that the applicant proposes to install a new utility transformer with 8 parking spaces and to re-stripe the remaining 6 parking spaces that will be utilized as vehicle charging stations; that the charging time depends upon the type of vehicles, but is usually about 15 to 20 minutes; that a charge is typically good for 70 miles.

Brett Magaram testified as an engineer and indicated on the site plan the location of the charging stations and the screened equipment area; he further gave testimony as to ADA compliance, the landscape plan, lighting plan, and that the applicant will comply with all the recommendations set forth in the Neglia Engineering report dated June 5, 2019.

Brigitte Bogart testified as a planner and stated that the proposal will help promote the health, safety, and general welfare of the area; that it satisfies the positive and negative criteria required for the grant of the use variance; that electrical vehicle charging stations are a new concept, and most Zoning Ordinances have no provisions for this particular use; that in her opinion, the proposal will not impair the zone plan and the zoning ordinance and will be beneficial to patrons coming to the site with electric vehicles.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the use variance and amended and

preliminary and final site plan approval together with the bulk variances requested by the applicant. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, 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 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.

7. **TUFF SHED, INC.**, 552 NJ-Route 3, Block 82.01,  
Use Lot 43 – B-D – Preliminary and Final Site Plan,  
Variances; D(1) Use Variance and Bulk Variance Approvals:

The property is improved with a one-story block and stucco commercial building (the “Existing Building”) which will remain. The property is currently leased to a month-to-month tenant, which operates an automotive upholstery shop and is owned by James R. Stafford. The Applicant’s business involves the manufacture, sale and installation of storage buildings, garages and cabin sheds. The Applicant proposes to convert the Existing Building into a Tuff Shed branded Retail facility. The building conversion will involve exterior aesthetic improvements and interior renovations.

The proposed retail use is permitted in the B-D zone. As part of the proposal, the Applicant also seeks to create four outdoor shed display areas on the Property to display its products. The outdoor storage of inventory and/or finished products is prohibited in the B-D zone. Therefore, a D(1) Use Variance is required. The Applicant requires the following Preliminary and Final Site Plan, D(1) Use Variance and Bulk Variance Approvals:

-Site Plan: The conversion of the Existing Building into a Tuff Shed branded retail facility, including Outdoor display areas as described above;

-D(1) Use Variance: Outdoor Storage: The outdoor storage of inventory and finished products is not permitted in the B-D Zone and the outdoor storage/display of the Applicant’s products is proposed (461.16.A):

-Bulk Variances:

Front Yard Setback – Detached Accessory Structure: No detached accessory structure shall be located within 60 feet of the front lot line, 30’ x 10’ proposed shed display area located with required front yard setback (461-46.D(2));

Front Yard Setback – Detached Accessory Structure: No detached accessory structure

shall be located within 60 feet of the front lot line, 60' x 10' proposed shed display area located within required front yard setback (461-46.D(2));

Distance from Main Building – Detached Accessory Structure: Minimum of 10 feet required, 30' x 10' proposed shed display area located less than 10 feet from main building (461-46.D(5));

Distance from Main Building – Detached Accessory Structure: Minimum of 10 feet required, 10' x 10' proposed shed display area located less than 10 feet from main building (461-46.D(5));

-Off-Street Parking: 7 off-street parking spaces required, 6 off-street parking spaces proposed (461-60.1):

-Parking Space Dimensions: 9' x 19' required, 9' x 18' proposed (461-60.P);

-Screening: The Property's rear lot line abuts the R-B1 Zone District and therefore it is required to be screened with evergreens or a fence within a 6-foot-wide buffer area, no buffer area is proposed (461-52);

-Minimum Front Yard Setback – Principal Building: 60 feet required, 33 feet existing and proposed (461-13);

-Minimum Side Yard Setback – Principal Building: 10 feet required, 5.8 feet existing and proposed (461-13);

-Minimum Rear Yard Setback – Principal Building: 20 feet required, 4.9 feet existing and proposed (461-13);

-and for such other variances, exemptions, relief, deviations and/or waivers that may be required upon an analysis of the plans and testimony.

Lisa E. Lomelo, Esq., with offices at 370 Chestnut Street, Union, New Jersey, appeared on behalf of the applicant. Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of an objector, Garden State Honda. Present and sworn on behalf of the applicant were the following: Hugh Brown, 1 Clocktower Place, Washua, NH; Jelena Balorda-Barone, P.E. of Maser Consulting, 331 Newman Springs Road, Red Bank, NJ; and Daniel N. Bloch, P.P., AICP, of Maser Consulting, 53 Frontage Road, Hampton, NJ. Also present and sworn on behalf of the objectors were the following: Glenn Valkenburg, 101 Allwood Road, Clifton, NJ; Clara Jimenez, 111 Allwood Road, Clifton, NJ; and Ken Honig of Garden State Honda, 584 Route 3 West, Clifton, NJ.

Chrmn Zecchino acknowledged receipt of planning report from Gregory Associates dated July 8, 2019.

Ms. Lomelo stated that the applicant proposes to convert an existing one-story commercial building into a Tuff Shed retail facility with some aesthetic minor improvements to the building and the construction of four shed display areas ranging from 10-feet by 10-feet to 60-feet by 10-feet.

Hugh Brown, a representative of the applicant, testified that the applicant is a leading provider of installed storage buildings, garages, and cabin sheds; that

the buildings are manufactured and installed locally with domestically produced materials; that the applicant has selected the proposed site, which will be the first Northeast retail center, and will create job opportunities for the residents of the City of Clifton; that the applicant is proposing to create four outdoor shed displays which will allow customers to view and experience and interact with the finished product; that the applicant proposes to operate seven days a week, from Monday through Friday from 10 A.M. to 8 P.M. and Saturday and Sunday from 10 A.M. to 6 P.M.

Marked into evidence were the following exhibits:

“A-1” which is the site plan showing the location of the sheds on the site and the building itself;

“A-2” is a visual aerial photograph of the site and access from Route 3.

Jelena Balorda-Barone testified as a planner and stated that the retail use of the site is permitted; however, the outdoor storage is prohibited; that the applicant seeks variances for a front yard setback and distance from main building as well as bulk variances for pre-existing conditions which include the front yard, side yard, and rear yard setbacks for the building; the number of off-street parking spaces, 7 are required and the applicant is providing 6; parking space dimensions and screening, the parking space size requirement is 9- by 19-feet and the applicant is providing 9- by 18-feet and parking in the front yard setback; that the site is suitable; that the applicant’s operations are harmonious with the neighboring uses, and the development will be a benefit to the City; that the variances sought may be granted without substantial detriment to the zone plan and the zone ordinance.

The primary objections from the objector, Honda Motors, are the location of the sheds which will prevent visual location of the Honda Motor site.

Objectors Valkenburg and Jimenez expressed their concerns as to the negative impact the proposal would have, especially concerning the hours of operation during the weekends.

At this point in the hearing, Chrmn Mark Zecchino continued the matter until the August 21, 2019, meeting of the Board in order to allow the applicant to communicate with the objectors to see if there may be some compromise to the location of the sheds on the property and the hours of operation.

Thereupon, the matter was continued to the August 21, 2019, meeting of the Board.

### **RESOLUTIONS**

Chrmn Mark 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 Roy Noonburg, seconded by Comr George Foukas, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KMG DEVELOPMENT, LLC for use variance and bulk variances to permit paving of seven (7) parking spaces at 596 Clifton Avenue (6<sup>th</sup> Street), Block 20.04, Lot 24, was adopted. B-A1

2. Upon motion made by Comr George Foukas, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVEN GRONOWITZ for proposal to build a small addition to the right side and enclose the existing porch and add a compressor at 519 Mt. Prospect Avenue, Block 55.05, Lot 49, was adopted. RA2

3. Upon motion made by Comr Michael Molner, seconded by Comr Roy Noonburg, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark

Zecchino, the Resolution GRANTING the application of ARON & RONIT GOTTESMAN for variance to install a 6-foot-high back yard fence at 78 Patricia Place, Block 71.01, Lot 18, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of KETAN KUMAR PATEL for front yard setback variance to build a front yard, rear yard, and second floor additions at 14 Broadale Avenue, Block 45.05, Lot 12, was adopted. RA2

There being no further business before the Board, Comr Louis DeStefano 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 JULY 17, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STEVEN D'ANTHONY for premises known as: 27 Wester Place, Block 75.08, Lot 12 be and the same is hereby: GRANTED variance approval for a 4-foot-high solid fence with a 1-foot lattice for a total height of 5 feet along both sides of the home.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 17, 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 Louis DeStefano moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval erect a 5-foot-high solid fence along both sides the home where a 4-foot-high 50% open fence is permitted at 27 Wester Place, Block 75.08, Lot 12, which premises are located in a RA1 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 5-foot-high solid fence along both sides of the home.
- b. The permitted height is 4 feet, and the fence must be 50% open.
- c. The Board has recommended and the applicant has accepted approval for a 4-foot-high fence with a 1-foot-high lattice;
- d. The applicant has shown sufficient hardship to justify the grant of variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 4-foot-high solid fence along both sides of the home with a 1-foot open lattice, for a total of 5 feet, at premises located at 27 Wester Place, Block 75.08, Lot 12, be and the same is hereby approved and the 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 LOUIS DE STEFANO.**  
**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF JULY 17, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HILDA PEREZ for premises known as: 49/51 Lotz Hill Road, Block 38.08, Lot 5 be and the same is hereby: GRANTED front yard setback and left side yard setback variances for a rear addition and second story addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 17, 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a rear addition and second story addition at 49/51 Lotz Hill Road, Block 38.08, Lot 5, which premises are located in a RA3 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 rear addition and second story addition for an accessible bedroom and living room;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 23.75 feet;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.8 feet;
- d. The applicant has shown sufficient hardship to justify the grant of variances requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

WHEREAS, the Board further finds 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 rear addition and second story addition at premises located at 49/51 Lotz Hill Road, Block 38.08, Lot 5, be and the same is hereby approved and the front yard and left side yard 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 MICHAEL MOLNER.**

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

**MEETING OF JULY 17, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ZACHERY GROSS for premises known as: 22 Virginia Avenue, Block 50.12, Lot 6 be and the same is hereby: GRANTED left side yard setback and combined side yard setback variances to rebuild an existing one-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 17, 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, 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 rebuild an existing dwelling at 22 Virginia Avenue, Block 50.12, Lot 6, which premises are located in a R-1A zone; and

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

- a. The applicant requests approval to rebuild an existing dwelling;
- b. The left side yard setback requirement is 10 feet, and the applicant is proposing 5.12 feet;
- c. The combined side yard setback requirement is 24 feet, and the applicant is proposing 15.12 feet;
- d. The objectors opposed the application and state that the home may be rebuilt without variances;
- e. The next door neighbor of the property testified that he has no objections to the application;
- f. The variances requested may be granted without detriment to the neighborhood;
- g. The applicant has stipulated that the structure will remain a one-family dwelling, and a deed restriction will be recorded;
- h. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance since it is a one-family dwelling which is a permitted use in the zone; 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 rebuild an existing dwelling house at premises located at 22 Virginia Avenue, Block 50.12, Lot 6, be and the same is hereby approved and the left side yard setback variance and combined side yard setback variance be and the same are hereby granted subject to such further governmental approvals as may be required by law **SUBJECT TO A DEED RESTRICTION TO BE RECORDED WITH THE PASSAIC COUNTY CLERK, REGISTRY DIVISION, RESRICTING THE PREMISES TO A ONE-FAMILY DWELLING** 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 LOUIS DE STEFANO.**

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

**MEETING OF JULY 17, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: TERESA ORTEGA for premises known as: 90 East 3<sup>rd</sup> Street, Block 5.14, Lot 34 be and the same is hereby: GRANTED lot coverage and rear yard setback variances for a gazebo.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 17, 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 George Foukas moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval as aforesaid for an already built gazebo at premises located at 90 East Third Street, Block 5.14, Lot 34, 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 testified that the gazebo was built approximately four years ago and was in place when she purchased the subject premises;
- b. The applicant was further advised that no permit was required when the gazebo was converted from metal to wood;
- c. The next door neighbor has testified that she has no objections to the gazebo;
- d. The building lot coverage permitted is 27 percent, and the applicant proposes 34 percent;
- e. The rear yard setback requirement is 5 feet, and the applicant proposes 1.5 feet;
- f. The applicant has shown sufficient hardship to justify the grant of 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 permit a Gazebo at premises located at 90 East Third Street, Block 5.14, Lot 34, be and the same is hereby approved and the lot coverage variance and rear yard setback variance be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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 MICHAEL MOLNER.**

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

**MEETING OF JULY 17, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SAI GROUP (Target Corp.) for premises known as: 30 Kingsland Road, Block 83.01, Lot 1.02 be and the same is hereby: GRANTED use variance, amended preliminary and final site plan approval, and bulk variances to permit the installation of six electric vehicle charging stations together with a utility transformer and screened equipment area.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on July 17, 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, Vice-Chrmn Gerard Scorziello moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variance, amended preliminary and final site plan approval, together with bulk variances to permit the installation of six electric vehicle charging stations, together with a utility transformer and screened equipment at premises located at 30 Kingsland Road, Block 83.01, Lot 1.02, which premises are located in a P-MU zone; and

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

- a. The subject property consists of a Target Department Store and its respective parking;
- b. The applicant proposes to install car charging stations and a screened equipment area within 14 of the existing parking spaces;
- c. The applicant proposes to install new utility transformers within 8 parking spaces and to re-stripe the remaining 6 parking spaces that will be utilized as vehicle charging stations;
- d. A use variance is required since car charging stations are not permitted uses in the zone;
- e. Based upon the testimony of the applicant's planner and engineer, the applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. Car charging stations are a new concept and are not included in the zone ordinance;
- g. There will be a benefit to the public who operate electric vehicles;
- h. The applicant has shown sufficient hardship to justify the bulk variances requested;
- i. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented by the applicant's expert 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;

WHEREAS, although there will be a reduction in the number of parking spaces, the number required is 683 and 741 spaces are still being provided;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to permit the installation of six electric vehicle charging stations together with a utility transformer and a screened equipment area along with bulk variances at premises located at 30 Kingsland Road, Block 83.01, Lot 1.02, be and the same is hereby approved and the use variance, bulk variance, preliminary and final site plan approval be and the same are hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

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 SCOTT SOCHON.**  
**Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**