

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, August 21, 2019. Acting-Chrmn Gerard Scorziello 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. Acting-Chrmn Scorziello 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, GEORGE FOUKAS, ROY NOONBURG, AND VICE-CHRMN GERARD SCORZIELLO.

ABSENT: COMR DANIEL TRENK, COMR LOUIS DE STEFANO AND CHRMN MARK ZECCHINO.

Acting-Chrmn Scorziello 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 Roy Noonburg, seconded by Comr George Foukas, the Minutes of the July 17, 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 Variance**sa 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.

This matter was continued until the September 4, 2019, meeting at the request of the attorney for the applicant.

2. **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.

REVISED: Remove 30'x10' display area and increase the size of the 10'x12' shed display area to 10'x22'.

Lisa E. Lomelo, Esq., with offices at 370 Chestnut Street, Union, New Jersey, appeared on behalf of the applicant. 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. There were no objectors.

This is a continued hearing from the meeting of July 17, 2019.

Acting-Chrmn Scorziello acknowledged the receipt of reports from Gregory Associates dated July 8, 2019 and revised to August 8, 2019; Neglia Engineering dated August 21, 2019.

Ms. Lomelo stated that the application has been revised to remove the 30- by 10-foot display area and increase the size of the 10- by 12-foot shed display area to 10- by 22-feet.

Jelena Balorda-Barone, the professional engineer who testified at the previous hearing on July 17, 2019, explained the revisions to the application.

Offered into evidence which was marked "A-3" is a rendering of the premises showing the location of the sample sheds.

Daniel Bloch testified as a planner and stated that the site is suitable for the proposed use; that the application satisfies the positive and negative criteria required for the grant of a use variance; that due to the irregular shape of the property, the bulk variances requested constitute a hardship for the applicant to satisfy the provisions of the zone ordinance.

Hugh Brown testified that the applicant proposes to operate seven days a week, Monday through Friday from 10 A.M. to 8 P.M. and Saturday and Sunday from 10 A.M. to 6 P.M.; that there will be approximately two employees at the site.

Ms. Lomelo acknowledged the report of Neglia Engineering dated August 21, 2019, and stated that the applicant will comply with all the recommendations set forth in said report.

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 preliminary and final site plan, use variance, and bulk variances. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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. **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** 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 as determined by the Board during the course of the hearing.

Bruce R. Rosenberg, Esq., with offices at 21 Main Street, Suite 101, Hackensack, New Jersey, appeared on behalf of the applicant. Present and sworn was William Dahn of 363 Prospect Avenue, Hackensack, New Jersey, an architect. There were no objectors.

Mr. Rosenberg stated that Old Navy, who is currently renovating space within Clifton Towne Square, has requested approval to install an identification signage along the Route 3 façade which is permitted and is also requesting approval to install one single façade sign on the easterly side of the building which requires a C variance.

Mr. Dahn testified as to the dimensions of the proposed façade sign on the easterly side of the building and indicated it would be a total of 101 square feet which is the reason for the variance; that the purpose of the sign is to identify the location of the new Old Navy store.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr Zalman Gurkov. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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. **CLIFTON IL, LLC, 782 & 784 Valley Road,**
Use Block 44.01, Lots 14 & 11 – R-A1 – In addition
Variance to the Notice previously published, this is a
notice of a supplemental application for a
temporary use variance to permit parking of a
trailer on Lot 14 in Block 44.01 adjoining the
assisted living facility presently under construction
on Lot 14 in said Block 44.01 to process
applications for admission to said assisted living
facility until April 30, 2020.

This matter was continued by the Board to the September 4, 2019, meeting of the Board.

2. **STUART BRODY, 39 Norman Avenue, Block**
Variances 22.07, Lot 28 – RB1 – Deck proposed on left
side of the house requires the following variances:
 - 1) Left side yard proposed at 5.1' where 6' is required.
 - 2) Combined side yards proposed at 12.6' where 16' is required.
 - 3) Rear yard setback proposed at 30' where 35' is required.

The applicant, residing at 39 Norman Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a deck proposed on the left side of the house; that the variances requested are as follows: left side yard setback required 6 feet, and the applicant is proposing 5.1 feet; combined side yard requirement of 16 feet, and the applicant is proposing 12.6 feet; rear yard setback variance where 35 feet is required and 30 feet is proposed; that the proposed deck is replacing an existing side deck with a 4-foot extension.

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 variances requested. The motion was seconded

by Comr Zalman Gurkov. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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. **VLADIMIR CANO**, 85 Elm Street, Block 36.15, Variance Lot 9 – RB1 – Applicant proposes to install a roof over the front stoop. A variance is requested for the front yard setback proposed at 17.4' where 21' is required.

The applicant, residing at 85 Elm Street, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Cano testified that he requests variance approval to install a roof over the front stoop of his premises; that the size of the roof will be 8- by 11-feet; that the front yard setback requirement is 21 feet, and he is proposing 17.4 feet; that he purchased the premises approximately five years ago.

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 front yard setback variance. The motion was seconded by Comr George Foukas. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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. **KIRTAN PATEL**, 89 Van Riper Avenue, Block Variance 3.05, Lot 8 – RB2 – Applicant proposes to install a driveway on the left side of the lot. A variance is requested for the driveway to be installed 0' from the left side lot line where 5' is required.

The applicant and his wife, Devacy Gulhane, residing at 89 Van Riper Avenue, Clifton, New Jersey, were present and sworn. There were several objectors: Jerry Mayon, 31 Crestwood Avenue, Nutley, NJ; Jose Antonio Munn, 6 Brookside Drive, Apt. D, Clifton, NJ; and Edith Mayton, 31 Crestwood Avenue, Nutley, NJ.

The applicant, Kirtan Patel, testified that he purchased the property approximately one year ago; that he requests approval to install a driveway on the left side of the lot; that the side yard setback requirement is 5 feet, and he is proposing 0 feet from the left side lot line; that the purpose of the driveway is to remove two vehicles off the street.

Offered into evidence which was marked "A-1" is a collage of nine photographs and a map locating the proposed driveway.

All the objectors gave testimony and expressed their concern with the driveway being on the property line; water drainage problems; snow removal problems; the close proximity of the driveway to the next door premises; that the driveway will take away one parking space on the street where parking is a problem.

After discussion, and closing arguments by both the applicant and the objectors, Comr Michael Molner moved to deny the application on the grounds that the applicant has failed to sustain the burden of proof required for the grant of a C variance. The motion was seconded by Comr George Foukas. Voting for denial were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six to zero vote, the motion carried, and the application was denied 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. **51 CHESTER REALTY, INC.**, 51 Chester Street, Variance Block 10.05, Lot 5 – M-2 – Applicant proposes to install a back-up generator on the right side of the building. Set back from the right side yard is required to be 15' and 6.1' is proposed. Lot coverage is proposed at 61% where 60% is permitted. Generator has a cover to enhance the appearance and reduce the sound.

A. William Sala, Jr., Esq., with offices at 140 Hepburn Road, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: George A. Held, an architect, of 587 Getty Avenue, Clifton, New Jersey; and Kevin O'Kane of 51 Chester Street, Clifton, New Jersey. There were two objectors: Anna Moissinac, 52 Park Slope, Clifton, NJ; and Doreen Holmes, 192 Livingston Street, Clifton, NJ.

Mr. Sala stated that the applicant requests variance approval to install a back-up generator on the right side of the building.

Mr. Held testified as an architect and stated that the applicant proposes to install a back-up generator for emergency purposes; that the setback from the right side yard requirement is 15 feet and the applicant is proposing 6.1 feet; that the lot coverage permitted is 60 percent, and the applicant will have 61 percent; that the generator has a cover to enhance the appearance and reduce the sound to the neighborhood.

Both objectors expressed their concern with noise from the generator as well as an increase in traffic at the site. Mr. O'Kane testified that the generator will only be used for emergency purposes and the cover proposed will substantially reduce any sound from the generator.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel to prepare the proper Resolution for approval of the variances. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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.

6. **SHARON SCHWARTZMAN**, 25 Grant Avenue, Variance Block 17.07, Lot 11 – RA3 – Applicant has a rear yard deck that was built about 12 years ago. No permits on file, and the following variances are required:
1) Rear yard setback is 23.5' where 35' is required.

- 2) Left side yard is 5.8' where 6' is required.
- 3) Combined side yards is 12' where 16' is required.

The applicant, residing at 25 Grant Avenue, Clifton, New Jersey, was affirmed to give testimony.

The applicant testified that approximately 12 years ago, a rear yard deck was built; that she thought all the necessary permits were on file with the Building Department; however, a review indicated that there were no permits taken out for the rear yard deck; that she is now in the process of selling the premises, and she requests the following variances: (1) a rear yard setback variance where 35 feet is required, and presently exists 23.5 feet; (2) a left side yard setback variance where 6 feet is required and presently existing is 5.8 feet; and (3) a combined side yard setback variance where 16 feet is required, and she presently has 12 feet.

After a review of the testimony, Comr Zalman Gurkov 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 Roy Noonburg. Voting in the affirmative were Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello. By a six 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.

RESOLUTIONS

Acting-Chrmn Gerard Scorziello 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 George Foukas, seconded by Acting-Chrmn Gerard Scorziello, and affirmed by Comrs Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of STEVEN D'ANTHONY for 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 at 27 Wester Place, Block 75.08, Lot 12, was adopted. RA1

2. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of HILDA PEREZ for front yard setback and left side yard setback variances for a rear addition and second story addition at 49/51 Lotz Hill Road, Block 38.08, Lot 5, was adopted. RA3

3. Upon motion made by Acting-Chrmn Gerard Scorziello, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of ZACHERY GROSS for left side yard setback and combined side yard setback variances to rebuild an existing one-family dwelling at 22 Virginia Avenue, Block 50.12, Lot 6, was adopted. R-1A

4. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of TERESA ORTEGA for lot coverage and rear yard setback variances for a gazebo at 90 East 3rd Street, Block 5.14, Lot 34, was adopted. RB1

5. Upon motion made by Acting-Chrmn Gerard Scorziello, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello, the Resolution GRANTING the application of SAI GROUP (Target Corp.) for 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 at 30 Kingsland Road, Block 83.01, Lot 1.02, was adopted. P-MU

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: TUFF SHED, INC. for premises known as: 552 NJ-Route 3, Block 82.01, Lot 43 be and the same is hereby: GRANTED preliminary and final site plan approval, use variances and bulk variances to operate a Tuff Shed retail facility.

Testimony concerning the aforesaid application was taken by the Board at its meetings on July 17, 2019, and August 21, 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 Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests use variances and variance approval to operate a Tuff Shed facility which involves the manufacture, sale, and installation of storage buildings, garages, and cabin sheds at premises located at 552 NJ-Route 3, Block 82.01, Lot 43, which premises are located in a B-D zone; and

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

- a. The site in question is presently utilized as an automotive upholstery shop;
- b. The applicant proposes to operate a Tuff Shed retail facility which involves the manufacture, sale, and installation of storage buildings, garages, and cabin sheds;
- c. The proposed retail use is permitted; however, the outdoor storage of inventory as proposed by the applicant is prohibited;
- d. Based upon the testimony presented by the applicant's experts, the site is suitable for the proposed use;
- e. The applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- f. Due to the irregular shape of the property, the applicant has a hardship to satisfy the bulk variances requested;
- g. The applicant has made sufficient revisions to the plan in response to objections raised by the objectors;
- 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 since retail use is permitted in the B-D zone; and

WHEREAS, the Board further finds that the proposed parking at the site is adequate and will help promote the help, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid for a Tuff Shed retail facility with outdoor display areas at premises located at 552 NJ-Route 3, Block 82.01, Lot 43, be and the same is hereby approved and the preliminary and final site plan approval, use variances, and bulk variances for front yard setback, distance from main building, parking space dimensions, screening, minimum side yard setback, and minimum rear yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law and **subject to the following:**

A. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING ASSOCIATES DATED AUGUST 21, 2019; and the following:

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

Resolution moved by: Comr MICHAEL MOLNER.
Seconded by: Comr SCOTT SOCHON.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: GABRELLIAN ASSOCIATES (Clifton Towne Square – OLD NAVY) for premises known as: Route 3 West/225-259 Allwood Road, Block 80.01, Lots 23 and 30 be and the same is hereby: GRANTED variance to install single façade sign on the easterly side of the building.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 to install an identification sign for OLD NAVY on the easterly façade of the premises in question at premises located at Route 3 West/ 225-229 Allwood Road, Block 80.01, Lots 23 and 30, which premises are located in a Pd-HC zone; and

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

- a. Old Navy is seeking a C variance to permit an identification sign to be located on the easterly façade of the building in the Clifton Towne Square;
- b. Based upon the testimony of the applicant’s architect, the sign will be 101 square feet which requires a variance;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to locate an identification sign on the easterly façade of the building in the Clifton Towne Square at premises located at Route 3 West/225-259 Allwood Road, Block 80.01, Lots 23 and 30, be and the same is hereby approved and the bulk 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 and Neglia Engineering Associates 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 Zalman Gurkov.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STUART BRODY for premises known as: 39 Norman Avenue, Block 22.07, Lot 28 be and the same is hereby: GRANTED variances for left side yard, combined side yards, and rear yard setbacks for a deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a deck on the left side of the house at premises located at 39 Norman Avenue, Block 22.07, Lot 28, which premises are located in a RB1 zone; and

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

- a. The applicant has an existing side deck at the subject premises and wishes to expand the same;
- b. The applicant intends to have add a 4-foot extension to the rear of the deck;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.1 feet;
- d. The combined side yard requirement is 16 feet, and the applicant is proposing 12.6 feet;
- e. The rear yard setback requirement is 35 feet, and the applicant is proposing 30 feet;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to expand a side yard deck at premises located at 39 Norman Avenue, Block 22.07, Lot 28, be and the same is hereby approved and the variances for left side yard, combined side yards, and rear yard setback 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 and Neglia Engineering Associates 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 ZALMAN GURKOV.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: VLADIMIR CANO for premises known as: 85 Elm Street, Block 36.15, Lot 9 be and the same is hereby: GRANTED a front yard setback variance for a roof over the front stoop and steps.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 to install a roof over the front stoop at premises located at 85 Elm Street, Block 36.15, Lot 9, which premises are located in a RB1 zone; and

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

- a. The applicant proposes to install a roof over the front stoop of the entrance to his premises;
- b. The roof will be 8- by 11-feet over the stoop and steps;
- c. The front yard setback requirement is 21 feet, and the applicant is proposing 17.4 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to install a roof over the front stoop and steps at premises located at 85 Elm Street, Block 36.15, Lot 9, be and the same is hereby approved and the front yard setback 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 and Neglia Engineering Associates 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 Zalman Gurkov, Scott Sochon, Michael Molner,
George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.**

MEETING OF AUGUST 21, 2019.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,
that the application of: KIRTAN PATEL
for premises known as: 89 Van Riper Avenue, Block 3.05, Lot 8
be and the same is hereby: DENIED a left side yard setback for a driveway.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 Michael Molner moved to deny the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval to install a driveway on the left side of the lot at 89 Van Riper Avenue, Block 3.05, Lot 8, which premises are located in a RB2 zone; and

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

- a. The applicant proposes to install a driveway on the left side of the lot with a 0 foot setback from the left side lot line where 5 feet is required;
- b. Based upon the objections made by the objectors concerning the proximity of the driveway to the adjacent properties, drainage problems, and snow removal problems, the Board finds that the 0 foot setback is unacceptable;
- c. The applicant has shown no hardship to justify the grant of the variance requested;
- d. Based upon the testimony of the objectors, the detriments of the application outweigh the benefits; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to install a driveway at premises located at 89 Van Riper Avenue, Block 3.05, Lot 8, be and the same is hereby disapproved and the left side yard setback variance be and the same is hereby denied.

**Resolution moved by: Comr MICHAEL MOLNER.
Seconded by: Comr GEORGE FOUKAS.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner,
George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.**

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 51 CHESTER REALTY, INC. for premises known as: 51 Chester Street, Block 10.05, Lot 5 be and the same is hereby: GRANTED lot coverage and right side yard setback variance approval for a back-up generator.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 bulk variance approval to install a back-up generator on the right side of the premises located at 51 Chester Street, Block 10.05, Lot 5, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to install a back-up generator on the right side of the building at the subject premises;
- b. The right side yard setback requirement is 15 feet, and the applicant is proposing 6.1 feet;
- c. The lot coverage requirement is 60 percent, and the applicant is proposing 61 percent;
- d. Based upon the testimony of the architect, the generator is used for emergency purposes and has a cover to enhance the appearance as well as reduce the sound to the neighborhood;
- 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 install a back-up generator on the right side of the building at premises located at 51 Chester Street, Block 10.05, Lot 5, be and the same is hereby approved and the right side yard setback and lot coverage variances 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 and Neglia Engineering Associates 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 SCOTT SOCHON.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.

MEETING OF AUGUST 21, 2019.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: SHARON SCHWARTZMAN for premises known as: 25 Grant Avenue, Block 17.07, Lot 11 be and the same is hereby: GRANTED rear yard setback, left side yard setback, and combined side yard setback variances for a previously built rear yard deck.

Testimony concerning the aforesaid application was taken by the Board at its meeting on August 21, 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 Zalman Gurkov moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant requests variance approval for a rear yard deck which was previously built approximately 12 years ago at premises located at 25 Grant Avenue, Block 17.07, Lot 11, 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 previously had the deck built and was unaware that no permits were obtained by the contractor;
- b. The applicant is now selling the premises and has discovered the failure to obtain the permits;
- c. The rear yard setback requirement is 35 feet, and the applicant has 23.5 feet;
- d. The left side yard setback requirement is 6 feet, and the applicant has 5.8 feet;
- e. The combined side yard setback requirement is 16 feet, and the applicant has 12 feet;
- f. The applicant has shown sufficient hardship to justify the grant of the variances requested;
- g. The benefits of the application outweigh the detriments, if any; and

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

NOW THEREFORE, BE IT RESOLVED that the application for a previously built rear yard deck at premises located at 25 Grant Avenue, Block 17.07, Lot 11, be and the same is hereby approved and the variances for rear yard setback, left side yard setback, and combined side yard setbacks 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 and Neglia Engineering Associates 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 ZALMAN GURKOV.
Seconded by: Comr ROY NOONBURG.
Affirmed by: Comrs Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Roy Noonburg, and Acting-Chrmn Gerard Scorziello.