

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 2, 2020. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS ZALMAN GURKOV, SCOTT SOCHON, MICHAEL MOLNER, LOUIS DE STEFANO, GEORGE FOUKAS, ROY NOONBURG, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR DANIEL TRENK.

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Scott Sochon, the Minutes of the August 19, 2020, virtual regular meeting were adopted with the unanimous approval of the entire Board.

CONTINUED HEARINGS

1. **MOHAMMED AND Wafa OTHMAN,**
Use 825 Allwood Road, Block 66.01,
Variance; Lots 22 & 24 – RA3 – Site plan and
Variances use variance pursuant to N.J.S.A. 40:
55D-70(d); Specifically, to demolish
the existing office building on lot 22 and
replace it with a two-story multi-family
dwelling containing six residential
apartments. As part of the application,
the small storage building on lot 24
would be converted to a parking lot
containing 12 spaces for use by occupants
of the dwelling. Pursuant to N.J.S.A. 40:
55D-70(c), application for several bulk
variances including variances for lot width,
lot depth and rear setback for lot 22, and
any other variances that may be necessary.
Application also involves a request for a
reverse subdivision approval to merge
lots 22 and 24 onto one lot.

This matter was previously continued by the Board to the September 16, 2020, meeting of the Board.

2. **JOHN RADER**, 817-825 Clifton Avenue,
Use Block 35.06, Lot 16 – B-C – Site plan
Variance; approval required to remove the existing
Variations; MOONEY AUTO REPAIR GARAGE, to
Site Plan enlarge the building housing the existing
DUNKIN DONUTS building, to create an
additional store, two vestibule entrances to
the two stores and a drive-in facility.
A bulk variance is required to permit the
use of lighting other than the ordinance
required high-pressure sodium lighting,
because it is no longer manufactured.
A use variance is required to permit the
drive-in window. All other nonconformities
are pre-existing and do not require
variances.

This matter was previously continued by the Board to the September 16, 2020, meeting of the Board.

NEW HEARINGS

1. **DANIEL AND RACHEL GUTLOVE**,
Variations 419 South Parkway, Block 58.06, Lot 3,
--RA3—Applicant proposes to construct
a rear two-story addition. The following
variances are requested:
1) Rear yard proposed at 26.67' where 35'
is required.
2) Lot coverage proposed at 27.44% where
27% is permitted.

Present and affirmed were Daniel Gutlove of 419 South Parkway, Clifton, New Jersey, and William J. Martin of 25 Boulevard, Westwood, New Jersey, an architect. There were no objectors.

Mr. Martin testified that the applicant proposes to construct a rear two-story addition at the subject premises; that the applicant requires a rear yard setback variance where 35 feet is required, and the applicant is proposing 26.67 feet; that a lot coverage variance is required where 27 percent is permitted, and the applicant is proposing 27.44 percent; that the proposed addition will be a benefit to the community; that there is no detriment resulting from the proposed two-story addition.

Mr. Martin offered into evidence which was marked "A-1" a photograph of the dwelling.

David Gutlove affirmed and agreed with the testimony presented by Mr. Martin.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Comr 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.

2. **ZEV AND SHELLY LOB**, 420 South Parkway, Block 58.02, Lot 5 –RA3—
Variances Applicant proposes to build a second story addition and new, covered front porch. The following variances are requested:
- 1) Front yard proposed at 23.67' to new front porch where 25' is required.
 - 2) Left side yard is 5.2' where 6' is required.
 - 3) Combined side yards are 15.1' where 16' is required.
 - 4) Lot coverage proposed at 31.72% where 27% is permitted.
 - 5) Basement proposed with multiple finished rooms where one finished area is permitted.

Present and affirmed to give testimony was Zev Lob of 420 South Parkway, Clifton, New Jersey, and William J. Martin of 25 Boulevard, Westwood, New Jersey, an architect. There were no objectors.

Mr. Martin testified that the applicant proposes to build a second story addition and new covered front porch at the subject premises; that the applicant requests approval for a front yard setback variance where 25 feet is required, and the applicant is proposing 23.67 feet; that the left side yard variance is required where 6 feet is required and 5.2 feet is proposed; that a combined side yard setback variance is required where 16 feet is permitted, and the applicant is proposing 15.1 feet; that a lot coverage variance is required where 27 percent is permitted, and the applicant is proposing 31.72 percent; that the basement is proposed with multiple finished rooms where one finished area is permitted.

The applicant, Zev Lob, affirmed and agreed with the testimony presented by Mr. Martin.

Mr. Martin further stated that the location of the existing structure creates practical difficulties, and this is the applicant's hardship; that with respect to the basement, the existing rear entry will be eliminated.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulation that the rear entry door to the basement be eliminated. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting in the negative was Comr Roy Noonburg. By a six to one 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. **LORI AND CHRIS DIAZ**, 226 Broad Street, Block 23.01, Lot 13 –RA3—
Variances Applicant proposes to remove the rear driveway and place a new driveway in the front of the house. The following variances are required:
- 1) Proposed driveway is located in front of the house in an area not serving a garage.
 - 2) Proposed curb cut is 34’8” where a maximum width of 12’ is permitted.
 - 3) Existing garage will no longer have access to the public street.

The applicants, residing at 226 Broad Street, Clifton, New Jersey, were present and sworn. There were no objectors.

Lori Diaz testified that she requests variance approval to remove the rear driveway at the subject premises and place a new driveway in front of the house; that the proposed driveway is located in front of the house in an area not serving a garage which requires a variance; that the proposed curb cut is 34 feet 8 inches where a maximum of 12 feet is permitted; that the existing garage will no longer have access to the public street; that Passaic County Planning Board approval may be required; that a retaining wall will be erected in front of the premises between the structure and the parking area.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution subject to Passaic County Planning Board approval, the removal of the curb cut on the side street, and the existing garage will no longer have access to the public street. The motion was seconded by Comr George Foukas. 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.

4. **31 SILLECK ST. LLC**, 31 Silleck Street, Block 23.01, Lot 5 –RA3—
Variances Applicant proposes a second story addition over the existing attached garage. The following variances are requested:
- 1) Front yard proposed at 19.94’ where 25’ is required;
 - 2) Combined side yards proposed at 10.51’ where 16’ is required.

Alexander Contreras, owner, residing at 136 Central Avenue, Passaic, New Jersey, was present and sworn. There were two objectors, Jennifer Motta and Gregory Motta of 27 Silleck Street, Clifton, New Jersey.

The applicant testified that he proposes a second story addition over an existing attached garage at the subject premises; that the front yard setback requirement is 25 feet, and he is proposing 19.94 feet; that the combined side yard setback requirement is 16 feet, and he is proposing 10.51 feet; that the proposed second story addition will improve the area.

Jennifer Motta testified that she is concerned with the side yard setback variance; that she is further concerned that it will not comply with the other homes in the neighborhood.

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 application. 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 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. **STEVEN HELMREICH**, 199 Rutherford Blvd., Block 60.11, Lot 7 –RA3—Applicant proposes a fence in the rear yard at six (6') high where a 4' high 50% open fence is permitted along the side and rear street side lot lines and 5' high along the north west lot line.

The applicant, residing at 199 Rutherford Boulevard, Clifton, New Jersey, was present and sworn. There were no objectors.

The applicant testified that he requests variance approval for a 6-foot-high solid fence along the rear yard at the subject premises where a 4-foot-high 50% open fence is permitted along the side and rear street lot line and a 5-foot-high fence along the northwest lot line; that a 6-foot-high fence is also proposed within the sight triangle where a 3-foot-high open fence is permitted.

Mr. Helmreich stated that he requests the fence for privacy purposes and offered into evidence 17 photographs of the site.

Chrmn Zecchino suggested that the applicant consider a 5-foot-high fence with a 1-foot lattice. This was agreed upon by the applicant.

Thereupon, Vice-Chrmn Gerard Scorziello moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the application. The motion was seconded by Louis DeStefano. 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.

6. **RICARDO AND DORA KOHLHAUF,**
Variances 76 Christie Avenue, Block 2.10, Lot 71
--RB1—Applicant proposes to replace the
existing chain link fence on the right side
of the home with a 6' high, solid fence.
A 4' high, 50% open fence is permitted
alongside the house and a 5' high fence is
permitted in the rear.

The applicants, residing at 76 Christie Avenue, Clifton, New Jersey, were present and sworn. There was one objector: Nina Nieves of 25 East First Street, Clifton, New Jersey.

Dora Kohlhauf testified that she requests variance approval to replace the existing chain link fence on the right side of the home with a 6-foot-high solid fence; that a 4-foot-high 50% open fence is permitted along the side and a 5-foot-high fence is permitted in the rear; that the purpose of the fence is for privacy purposes; that she would agree to a 5-foot-high solid fence with a 1-foot lattice.

The objector, Nina Nieves, also agreed to a 5-foot-high fence with a 1-foot lattice.

After a review of the testimony, Comr Louis DeStefano moved to approve 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.

7. **AVRUM FRIEDMAN,** 59 Ravona Street,
Variances Block 57.07, Lot 3 –RA3—Applicant proposes
to build a second story addition along with a two-
story rear addition. The following variances
are requested:
1) Front yard setback is proposed at 20' to
the roof over the porch where 21' is minimum
required.
2) Lot coverage is proposed at 32% where
27% is permitted.

Comr Zalman Gurkov excused himself from participating in the hearing.

Present and affirmed to give testimony was Avrum Friedman of 59 Ravona Street, Clifton, New Jersey. There were two interested parties, Amy and Michael Maffei of 136 Edgewood Avenue, Clifton, New Jersey.

The applicant testified that he requests variance approval to build a second story addition along with a two-story rear addition at the subject premises; that a front yard setback variance is required where 20 feet is proposed and 21 feet is the minimum required; that as lot coverage variance is proposed at 32 percent where 27 percent is permitted.

Amy Maffei testified that she requests that the gutters and leaders should lead to the street, not to adjacent properties.

Comr George Foukas commented that the access to the basement from outside should be removed and closed.

There was some discussion that the bathroom located in the basement should be removed.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to deny the application and instructed the Counsel Secretary to prepare the proper Resolution for denial of the application. The motion was seconded by Comr George Foukas. Voting for denial were Comrs Scott Sochon, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. Voting against denial were Comrs Michael Molner and Louis DeStefano. By a five to two 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.

8. **WILL BISHOP**, 44 Sperling Road, Block 38.03,
Variances Lot 3 –RA3—Applicant proposes to build a second floor addition with a front and rear cantilever. The following variances are requested:
- 1) Front yard proposed at 22.5' where 25' is required to the second floor cantilever and 20.64' where 21' is required to the roof over the front porch.
 - 2) Right side yard is 5.7' where 6' is required.
 - 3) Combined side yards are 11.3' where 16' is required.
 - 4) Rear shed is not 10' as required from the second floor rear cantilever.

The applicant, residing at 44 Sperling Road, Clifton, New Jersey, was present and sworn. Also present and sworn was Afshan Aziz Vandal of 239 New Road, Parsippany, New Jersey, an architect. There were no objectors.

Ms. Vandal testified that the applicant proposes to build a second floor addition with a front and rear cantilever; that the front yard setback requirement is 25 feet, and the applicant is proposing 22.5 feet to the second floor cantilever and 20.64 feet where 21 feet is required to the roof over the front porch; that the right side yard setback requirement is 6 feet, and the applicant is proposing 5.7 feet; that the combined side yard setback requirement is 16 feet, and the applicant is proposing 11.3 feet; that the rear shed is not 10 feet as required from the second floor rear cantilever; that the proposal will improve the appearance of the house; that the applicant's hardship is due to the location of the existing house; that there will be no detriment to the neighborhood.

Chrmn Zecchino suggested that the applicant remove the shed on the left. The applicant stipulated that he would remove the shed as suggested.

The applicant agreed with the testimony presented by Ms. Vandal.

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 with the stipulation that the shed on the left would be removed. 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.

RESOLUTIONS

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

1. Upon motion made by Comr Michael Molner, seconded by Comr Scott Sochon, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DISMISSING WITHOUT PREJUDICE the application of UKRAINIAN CULTURAL CENTER OF CLIFTON, INC. to re-subdivide the property into one single lot and proposed use as a cultural, educational, and social center at 110 Vincent Drive, Block 63.01, Lots 24.01 and 24.02 for defective service was adopted. RA1

2. Upon motion made by Comr Michael Molner, seconded by Comr John Foukas, and affirmed by Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the application GRANTING the application of MARSHA AND THERESA KELLEY for a rear yard setback variance and lot coverage variance for a rear yard addition and deck at 124 Cresthill Avenue, Block 57.09, Lot 27, was adopted. RA3

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

Respectfully submitted,

JOHN D. POGORELEC
COUNSEL SECRETARY

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: DANIEL AND RACHEL GUTLOVE for premises known as: 419 South Parkway, Block 58.06, Lot 3 be and the same is hereby: GRANTED rear yard setback and lot coverage variances for a rear two-story addition.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a two-story addition to premises located at 419 South Parkway, Block 58.06, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a rear two-story addition;
- b. The rear yard setback requirement is 35 feet, and the applicant is proposing 26.67 feet;
- c. The lot coverage permitted is 27 percent, and the applicant is proposing 27.44 percent;
- d. The benefits of the application outweigh the detriments, if any; and
- e. The applicant has shown sufficient hardship to justify the grant of the variances requested; 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 two-story addition at premises located at 419 South Parkway, Block 58.06, Lot 3, be and the same is hereby approved and the variances for rear yard setback and lot coverage 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 SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ZEV AND SHELLY LOB for premises known as: 420 South Parkway, Block 58.02, Lot 5 be and the same is hereby: GRANTED front yard, left side yard, combined side yards, and lot coverage variances for a second story addition and new covered front porch.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to build a second story addition and new covered front porch at premises located at 420 South Parkway, Block 58.02, Lot 5, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second story addition and new covered front porch;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 23.67 feet;
- c. The left side yard setback requirement is 6 feet, and the applicant is proposing 5.2 feet;
- d. The combined side yard setback requirement is 16 feet, and the applicant is proposing 15.1 feet;
- e. The lot coverage proposed is 31.72 percent where 27 percent is permitted;
- f. The basement is proposed with multiple finished rooms where one finished room is permitted;
- g. The location of the existing structure creates a practical difficulty and is applicant's hardship;
- h. The benefits of the application outweigh the detriments, if any;

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 second story addition and new covered front porch at premises located at 420 South Parkway, Block 58.02, Lot 5, be and the same is hereby approved and the variances for front yard, left side yard, combined side yards, and lot coverage 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. THAT THE EXISTING REAR ENTRY IN THE BASEMENT WILL BE ELIMINATED; and further 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, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: LORI AND CHRIS DIAZ for premises known as: 226 Broad Street, Block 23.01, Lot 13 be and the same is hereby: GRANTED variances to locate a driveway in front of the house in an area not serving a garage and enlargement of curb cut.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant proposes to remove the rear driveway and place a new driveway in the front of the premises located at 226 Broad Street, Block 23.01, Lot 13, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a driveway in front of the house in an area not serving a garage;
- b. The applicant proposes a curb cut of 34 feet 8 inches where a maximum of 12 feet is permitted;
- c. The existing garage will no longer have access to the public street;
- d. The applicant has shown sufficient hardship to justify the grant of the 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 the relocation of a new driveway in the front of the subject premises and widening of the proposed curb cut at premises located at 226 Broad Street, Block 23.01, Lot 13, be and the same is hereby approved and the variances as aforesaid 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. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;
B. THE CURB CUT IS TO BE REMOVED ON THE SIDE STREET OF THE PREMISES;**

C. THE EXISTING GARAGE WILL NO LONGER HAVE ACCESS TO THE PUBLIC STREET; and subject to the following:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.

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

Resolution moved by: Comr MICHAEL MOLNER.
Seconded by: Comr GEORGE FOUKAS.
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano,
 George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: 31 SILLECK ST. LLC for premises known as: 31 Silleck Street. Block 23.01, Lot 5 be and the same is hereby: GRANTED front yard setback and combined side yard setback variances for a second story addition over the existing attached garage.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid for a second story addition over the existing attached garage at premises located at 31 Silleck Street, Block 23.01, Lot 5, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second story addition over the existing attached garage;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 19.94 feet;
- c. The combined side yard setback requirement is 16 feet, and the applicant is proposing 10.51 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the 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 second story addition over the existing attached garage at premises located at 31 Silleck Street, Block 23.01, Lot 5, be and the same is hereby approved and the variances for front yard setback and combined side 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 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.

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: STEVEN HELMREICH for premises known as: 199 Rutherford Blvd., Block 60.11, Lot 7 be and the same is hereby: GRANTED a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet along the side and rear street side lot lines and 5-foot-high solid fence along the northwest lot line.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests a 6-foot-high fence at premises located at 199 Rutherford Blvd., Block 60.11, Lot 7, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a solid fence in the rear yard at 6 feet high where a 4-foot-high 50% open fence is permitted along the side and rear lot line and a 5-foot-high fence along the northwest lot line;
- b. The applicant has stipulated that the 6-foot-high fence will be a 5-foot-high solid fence with a 1-foot lattice on top;
- c. The applicant requests the fence for privacy purposes;
- d. The applicant has shown sufficient hardship to justify the grant of the 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 5-foot-high solid fence with 1-foot lattice on top along the side and rear lot line and a 5-foot-high solid fence along the northwest lot line at premises located at 199 Rutherford Blvd., Block 60.11, Lot 7, be and the same is hereby approved and the variances for fencing as aforesaid 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 LOUIS DE STEFANO.
Affirmed by: Comrs Scott Sochon, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RICARDO AND DORA KOHLHAUF for premises known as: 76 Christie Avenue, Block 2.10, Lot 71 be and the same is hereby: GRANTED a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet along the right side and a 5-foot-high solid fence in the rear of the home.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant proposes a 6-foot-high solid fence at premises located at 76 Christie Avenue, Block 2.10, Lot 71, which premises are located in an RB1 zone; and

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

- a. The applicant proposes to replace an existing chain link fence on the right side of the home with a 6-foot-high solid fence;
- b. A 4-foot-high 50% open fence is permitted along the house and a 5-foot-high fence is permitted in the rear;
- c. The applicant has agreed to a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet;
- d. The applicant has shown sufficient hardship to justify the grant of the 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 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet along the house and a 5-foot-high fence in the rear at premises located at 76 Christie Avenue, Block 2.10, Lot 71, be and the same is hereby approved and the variances for fencing as aforesaid be and the same are hereby granted subject to such further governmental approvals as may be required by law and SUBJECT TO THE FOLLOWING:

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

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

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

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AVRUM FRIEDMAN for premises known as: 59 Ravona Street, Block 57.07, Lot 3 be and the same is hereby: DENIED a second story addition along with a two-story rear addition.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests front yard setback variance and lot coverage variance for a second story addition along with a two-story rear addition at premises located at 59 Ravona Street, Block 57.07, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second story addition along with a two-story rear addition;
- b. The applicant seeks variances for rear yard setback and lot coverage;
- c. The applicant testified that there is access to the basement to the outside, and a bathroom is located in the basement;
- d. The recommendation of the Board is to remove access to the basement from outside and the bathroom should be eliminated;
- e. The applicant has shown no hardship to justify the grant of the variances requested;
- f. 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 the proposal may be detrimental to the health, safety, and general welfare of the neighborhood in that there is a potential for an apartment in the basement;

NOW THEREFORE, BE IT RESOLVED that the application for a second story addition along with a two-story rear addition at premises located at 59 Ravona Street, Block 57.07, Lot 3, be and the same is hereby disapproved and the variances for front yard setback and lot coverage be and the same are hereby denied.

**Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.
Seconded by: Comr GEORGE FOUKAS.
Affirmed by: Comrs Scott Sochon, George Foukas, Roy Noonburg,
Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

MEETING OF SEPTEMBER 2, 2020.

RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: WILL BISHOP for premises known as: 44 Sperling Road, Block 38.03, Lot 3 be and the same is hereby: GRANTED variances for front yard, right side yard, combined side yards for a second floor addition with a front and rear cantilever.

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 2, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant proposes to erect a second floor addition with a front and rear cantilever at premises located at 44 Sperling Road, Block 38.03, Lot 3, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second floor addition with a front and rear cantilever;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 22.5 feet;
- c. The right side yard setback requirement is 6 feet, and the applicant is proposing 5.7 feet;
- d. The combined side yards is proposed at 11.3 feet where 16 feet is required;
- e. The rear shed is not 10 feet as required from the second floor rear cantilever;
- f. The applicant's hardship is due to the location of the existing structure;
- g. There is no detriment to the neighborhood;
- h. The applicant has stipulated that he will remove the shed to the left;

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 second floor addition with a front and rear cantilever at premises located at 44 Sperling Road, Block 38.03, Lot 3, be and the same is hereby approved and the variances for front yard, right side yard, and combined side yards be and the same are hereby granted subject to such further governmental approvals as may be required by law and **SUBJECT TO THE FOLLOWING:**

A. THAT THE APPLICANT WILL REMOVE THE SHED LOCATED ON THE LEFT OF THE PREMISES: and further subject to:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.

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

Resolution moved by: Comr ROY NOONBURG.
Seconded by: Comr 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.