

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 7, 2022. 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 URI JASKIEL, GEORGE SILVA, SCOTT SOCHON, MICHAEL MOLNER, ZALMAN GURKOV, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMR LOUIS DE STEFANO.

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 Scott Sochon, seconded by Comr George Foukas, the Minutes of the August 17, 2022, regular meeting were adopted with the unanimous approval of the entire Board.

#### **REMANDED HEARING**

1. **JOHN RADER**, 817-825 Clifton Ave.,  
Use Block 35.06, Lot 16 – B-C – Site plan  
Variance; approval required to remove the existing  
Variance; 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.  
DENIED DECEMBER 2, 2022 –  
COURT-ORDERED REMAND.

This matter was continued without date.

**INSPECTION AND DECISION**

1. **BARNES KORNER, LLC**, 615 Van Houten Ave., Block 43.02, Lot 1 – BC & RB2 – An expansion of the bar and restaurant known as DINGO’S DEN presently located on the first floor of the property to the second floor for a room for party rentals and overflow from the first floor and a two person apartment which will require a use variance. In addition, a variance will be required for insufficient parking (60 parking spaces required/1 parking space provided). However, there is existing municipal parking located in a municipal parking lot across the street from the subject property and another available municipal parking lot less than a block away therefrom, which were created specifically for parking of business establishments located along Van Houten Avenue. Further additional parking will be available on the Shook Funeral Home parking lot after it closes. Front, side and rear yard parking variances will be required for the existing expanded front and side yard setbacks and expansion into the rear yard setback for the construction of an elevator for the second floor.

This matter was previously continued by the Board to the September 21, 2022 meeting of the Board.

**CONTINUED HEARINGS**

1. **BOTANY VILLAGE PROPERTY LLC**, 254 Dayton Avenue, Block 4.18, Lot 21 --PD1 – For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief. The property is located in a PD-1 Zoning District. The Applicant seeks approval to demolish the existing building on the Property and construct a new three- (3) story mixed-use building consisting of four (4) residential dwelling units above ground floor commercial (restaurant/tavern) space, along with related site improvements.
- The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for a non-permitted use, as residential use is not permitted in the PD-1 Zoning District. The Applicant further seeks bulk variance relief Pursuant to N.J.S.A. 40:55D-70(c), including: (1) minimum lot area less than required (2,500 sf. required; 2,279 sf. existing non-conformity to remain unchanged); (2) Minimum lot depth less than required (100 ft.

required; 90 ft. existing non-conformity to remain unchanged);  
(3) Building height greater than permitted (30 ft. permitted; 31.5 ft. proposed);  
(4) Number of stories greater than permitted (2 stories permitted, 3 stories proposed); and  
(5) Exterior lighting fixtures not proposed to be high-pressure sodium vapor where same is required.

To the extent necessary, the Applicant seeks a parking variance for providing less than required number of parking spaces and seeks conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

This matter was previously continued by the Board to the September 21, 2022, meeting of the Board.

2. **TFJ HAZEL LLC**, 252 Hazel Street & 237 West 3<sup>rd</sup> Street, Block 16.11, Lots 1 & 2  
Use -- RB2 – Preliminary and Final Major Site  
Variance; Plan Approval, Minor Subdivision (lot  
Variances consolidation) approval, d(1) use variance,  
d(1) use variance, d(5) density variance, and bulk  
("c") relief to construct a three (3)-story mid-rise  
(two (2) stories over parking), multi-family  
residential building containing fifty-four (54)  
dwelling units (currently proposed to contain  
twenty (20), one (1)-bedroom units; four (4) one  
(1)-bedroom plus office/den units; twenty-six (26)  
two(2)-bedroom units; and four (4) two (2)-bedroom  
plus office/den units) and resident amenities  
(the "Proposed Building"), along with 104 on-site  
parking spaces (sixty-two (62) covered/under the  
Proposed Building and forty-two (42) surface  
Parking spaces), and related site improvements  
(all proposed improvements collectively referenced  
as the "Project") on the "Property."

Lot 1 (+/- 71,752 square feet) is currently improved with a vacant, nonconforming manufacturing/ industrial building that was formerly operated as a textile dyeing and finishing facility (International Veiling Corp.).

Lot 2 (+/- 3,500 square feet) is improved with a vacant, one-family residential dwelling. As part of the application, the existing lots will be consolidated (combined) to form a new lot consisting of +/- 75,252 square feet and the existing improvements will be removed.

The Project is proposed to be accessed by a full-movement driveway along 7<sup>th</sup> Avenue and a full-movement driveway at the intersection of 7<sup>th</sup> Avenue and West 4<sup>th</sup> Street. An on-site loading zone is being proposed for resident, delivery, and refuse collection. Proposed site improvements include, but are not necessarily limited to, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, a monument sign near the proposed driveway on Seventh Avenue, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, sidewalks and walkways.

The Property is in the R-B2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the “R-B2 Zone”), which does not permit three (3)-story mid-rise, multi-family residential buildings.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(d), from the City of Clifton Zoning Ordinance (the “Ordinance”), as follows:

1. From Section 461-13.1.E “Use Regulations” for the R-B2 Zone - To permit a three (3)-story mid-rise, multi-family residential building in the R-B2 Zone, where three (3) story mid-rise, multi-family residential buildings are not permitted.
2. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone” - Minimum Lot Area per Dwelling Unit – To permit a lot area per dwelling unit of 1,393.6 square feet, where a minimum lot area per dwelling unit of 3,351 square feet is required.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(c), from the Ordinance, and if required, and/or waivers / exceptions from the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, as follows:

1. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Rear Yard Setback - To permit a rear yard setback (measured to the Garden State Parkway right-of-way) of 4.9 feet, where a minimum rear yard setback of 40 feet is required.
2. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Side Yard Setback - To permit a side yard setback of 12 feet (along Hazel Street (CR702)), where a minimum side yard setback of 20 feet is required.
3. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Minimum Combined Side Yard Setback - To permit a combined side yard setback of 33.6 feet (12’ as measured from Hazel Street (CR702) and 21.6’ as measured from the property line adjoining Block 16.11, Lot 17), where a minimum combined side yard setback of 40 feet is required.
4. From Section 461-13, Attachment 1 “Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone” - Maximum Lot Coverage of Principal Building – To permit a maximum lot coverage of 36.2%, where a maximum lot coverage of 25% is permitted.
5. From Section 461-60.1.A, “Requirements for off-street parking and loading spaces” – To permit 104 parking spaces to be provided, where 135 parking spaces are required under the Ordinance, but which 104 parking spaces satisfy RSIS requirement, which control.
6. From Section 461-42.A, “Additional requirements” - To permit pole-mounted, building-mounted, and/or site light-emitting diode (LED) lighting fixtures, where high-pressure sodium vapor lights are required.
7. From Section 461-60.A, “Standards for parking spaces and areas” – To permit off-street parking spaces sized 9’ wide by 18’ deep, where parking spaces are required to be 9’ wide x 19’ deep under the Ordinance, but which meets RSIS requirement which control.

The Applicant also requests any other approvals, waivers, variances, deviations and/or exceptions from the Ordinance, the City of Clifton General Ordinances, and/or RSIS, including, but not necessarily limited to, any additional setback

variances (front yard setback, rear yard setback, or side yard setbacks) that may result from an alternative interpretation of the Ordinance provisions relating to setbacks, all as may be determined to be required for the Project during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing.

This matter was previously continued by the Board to the October 19, 2022 meeting of the Board.

3. **JAIME & VIVIANA BORJA**, 67 Huemmer Terrace, Block 64.01, Lot 17 – RA2 –  
Variance Applicant is seeking variance relief from the Township Ordinance Section 461-47A for permission to construct a fence in excess of the height mandated by the said ordinance. The proposed fence is 6 ft. in height where 4 ft. is permitted. The fence is along the perimeter of the property.

At the request of the attorney for the applicant, the Board continued this matter to the November 2, 2022, meeting of the Board.

4. **522 VALLEY ESTATES LLC**, 522 Valley Road,  
Use Block 32.01, Lot 12 – Steep Slope District –  
Variance; Preliminary and final major site plan approval,  
Variances use variance, bulk variance and design waiver/  
exception relief (the “Application”) by 522  
Valley Estates LLC (the “Applicant”) with  
respect to property having a street address of  
522 Valley Road, Clifton, New Jersey 07013,  
and being designated as Block 32.01, Lot 12  
on the City of Clifton Tax Map (the “Property”).  
The Property is located in the Steep Slope  
Zoning District. The Applicant seeks approval  
to demolish the existing building and raze the  
Property and construct a new residential complex  
consisting of 21 townhouse dwelling units  
within three (3) separate buildings, along with  
related site improvements, including but not  
limited to parking, landscaping and lighting.  
The Applicant seeks use variance relief pursuant to  
N.J.S.A. 40:55D-70(d)(6) for building height greater than  
permitted (35 ft. permitted; 42.75 feet proposed).  
The Applicant also seeks bulk variance relief  
pursuant to N.J.S.A. 40:55D-70(c), including: (1)  
Number of stories greater than permitted  
(3 stories permitted; 4 stories proposed).  
The Applicant also seeks any additional  
deviations, exceptions, design waivers,  
submission waivers, variances, use variances,  
conditional use variances, interpretations,  
continuations of any pre-existing non-conforming  
conditions, modifications of prior imposed  
conditions and other approvals reflected on the

filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

At the request of the attorney for the applicant, the Board continued this matter to the October 19, 2022, meeting of the Board.

**NEW HEARINGS**

1. **HARRY & CAROL CONWAY**, 101 Abbe Lane, Block 33.09, Lot 32 – RA2 – Applicant is proposing a 6’ solid fence along the rear property line where 5’ solid is permitted.

The applicants, residing at 101 Abbe Lane, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicants testified that they request a 6-foot-high solid fence along the rear property line where a 5-foot-high solid fence is permitted; that their yard backs up to the parking lot of Woodrow Wilson Middle School and borders Route 46 West; that there are large dumpsters visible from the school parking lot in their line of sight.

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, noting the unique conditions at the site. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **KATHARINA TAKACS & MICHAEL BURNETT**, 105 Abbe Lane, Block 33.09, Lot 31 – RA2 – Applicant is proposing a 6’ solid fence along the rear yard where 5’ solid is permitted.

The applicants, residing at 105 Abbe Lane, Clifton, New Jersey, were present and sworn. There were no objectors.

The applicants testified that they request approval to replace an existing 6-foot-high privacy fence along the rear property line; that their yard backs up to the parking lot of Woodrow Wilson Middle School; that there are large dumpsters visible from the school parking lot in their line of sight.

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, noting the unique conditions at the site. The motion was seconded by Comr Scott Sochon. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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3. **PERRY LIGHTY**, 4 Henoeh Avenue, Block 32.08,  
Variance Lot 17 – RA3 – Applicant is proposing a 6’ solid fence in the rear yard where 5’ solid is permitted.

The applicant, residing at 4 Henoeh Avenue, Clifton, New Jersey, was present and sworn. There were no objectors.

Mr. Lighty testified that he requests a 6-foot-high solid fence in the rear yard where a 5-foot-high solid fence is permitted; that it is a quality of life issue for his family as well as privacy and safety from neighbors; that he would agree to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, along the three sides in the rear.

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 with the stipulation that the fence will be a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, along the three sides in the rear of the property. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

4. **MATTISYAHU & DINA GLUCK**, 450 Fenlon  
Variances Blvd., Block 58.09, Lot 20 – RA3 – Applicant is proposing an addition over existing footprint that requires the following variances:  
1) Side yard setbacks proposed at 9.81’ and 4.87’ where 6’ and 10’ is required.  
2) Combined yard setback proposed at 14.68’ where 16’ is required.

The applicants, residing at 450 Fenlon Boulevard, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Ms. Gluck testified that she requests variance approval for a second floor addition over the existing footprint of the building; that the variances required are all pre-existing; that variances are required for side yard setback where 9.81 feet and 4.87 feet where 6 feet and 10 feet is required; that a variance is required for combined side yard setback proposed at 14.68 feet where 16 feet is required.

After a review of the testimony Comr Scott Sochon moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval, stating that all variances are pre-existing. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.



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

5. **JOSH & ANNA GOPIN**, 50 Lenox Ave., Block 70.01, Lot 62 – RA3 – Applicant is proposing a second-floor addition where the following variances are being requested:
- 1) Side yard setback proposed at 4.93' where 6' is required.
  - 2) Combined yard setback proposed at 12.49' where 16' is required.

The applicant, Anna Gopin, residing at 50 Lenox Avenue, Clifton, New Jersey, was present and affirmed. There were no objectors.

Ms. Gopin testified that she requests variance approval to erect a second floor addition straight up over the existing footprint of the home; that the variances are pre-existing; that a variance is required for side yard setback where 6 feet is required and 4.93 feet is proposed; that a variance is required for combined side yard setback where 16 feet is required and 12.49 feet is proposed.

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

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

6. **KENJI YAMASHITA**, 443 Grove Street, Block 45.02, Lot 74 – RA1 – Applicant is proposing an enclosed vestibule that requires the following variances:
- 1) Front yard setback proposed at 27.62' where 35' is required.
  - 2) A free standing wall is being proposed at a height of 5' extending from the vestibule to the driveway.
  - 3) They are also requesting a 6' solid fence along the left side of the house and in portions of the rear yard where 4' 50% open and 5' is required.

The applicant, residing at 443 Grove Street, Clifton, New Jersey, was present and sworn. There were no objectors.

- Mr. Yamashita testified that he requests three variances as follows:
- 1. Variance to enclose the front vestibule where the front yard setback is proposed at 27.62 feet and 35 feet is required;
  - 2. Variance to extend the free-standing 5-foot-high wall from the vestibule to the driveway; and
  - 3. Variance to extend the existing 6-foot-high solid fences on the side and rear.

Mr. Yamashita continued to testify that the purpose of the application is for privacy and safety for his family and pets; that his house was broken into, and he wants to protect his family; that he would agree to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6-feet only in the back of the house, and that the fence from the back to the front will be 4-feet-high 50% open.

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, with the stipulation that the fence in the rear of the house will be a 5-foot-high solid fence with a 1-foot-high lattice, for a total of 6 feet. The motion was seconded by Comr George Silva. Voting in the affirmative were Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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7.  
Variances

**DAVID HECHING**, 11 (13) Loumar Place, Block 57.06, Lot 13 – RA3 – Applicant is proposing to partially rebuild and enlarge second floor where the following variance is being requested:

- 1) Combined side yard setback of 13.3' where 16' is required.
- 2) An additional variance is being requested for converting the rear portion of the garage into finished living space. In doing this, a parking variance will also be required since the conversion eliminates one required parking space where two parking spaces is required.

Daniel Kline, Esq., with Prime & Tuvel, One University Plaza, Hackensack, New Jersey, appeared on behalf of the applicant. Present and affirmed was the applicant, David Heching, residing at 11 Loumar Place, Clifton, New Jersey. Also present and affirmed was an objector, David Sackton of 410 Dwasline Road, Clifton, New Jersey, whose property abutted the subject premises.

Mr. Heching testified that he requests variance approval to partially rebuild and enlarge the second floor of the dwelling; that all side yard setbacks are pre-existing; that a variance is required for combined side yard setback of 13.3 feet where 16 feet is required; that a variance is required to convert a portion of the garage into a home office; that a variance is required for a parking space since the conversion will eliminate one space where two parking spaces are required; that the second floor balcony and patio door shown on the plans has been eliminated; that the third floor will be an attic and for mechanical use only; that he will agree to place two or three bollards in the mud room wall for safety purposes.

The objector, Mr. Sackton, expressed his concerns regarding privacy with the second floor balcony shown on the plans and that there previously was a new fence erected, but the fence was recently taken down with the fence posts left in place. The applicant testified that he has eliminated the second floor balcony; that he will remove the fence posts.

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, stating that the side yard setback variances are pre-existing, with the following stipulations:

1. That the second floor balcony and second floor patio door are eliminated;
2. That the existing fence posts will be removed;
3. That he will place bollards in the mud room wall for safety purposes, to be approved by the Zoning Officer.

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

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

8. **NEW TRIMBLE AUTO BODY**, 217 Trimble Avenue, Block 6.19, Lot 1 – BC – The applicant is proposing a use variance to use this property as an extension of the autobody use at 214 Trimble Avenue and to renovate this property to that end. The applicant requests the following variances:
- Variations;  
Use  
Variance
- 1) minimum lot coverage proposed at 69.7% where 60% is required;
  - 2) two stories proposed where 1 story required;
  - 3) rear yard proposed at 3' where 10' is required;
  - 4) street side yard (Trenton Ave.) proposed at .57' where 5' is required;
  - 5) front yard (Trimble Ave.) proposed at 1.20' where 5' is required.
  - 6) Also requesting a parking variance as may be required.

Dominic Iannarella, Esq., with offices at 139 Lakeview Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Ivo Rodrigues of 204 Market Street, Garfield, New Jersey, representing the applicant. Present and sworn were the following: Tomasz Bona, R.A., 26 Fourth Street, Wood Ridge, New Jersey, an architect; and William Stimmel, P.O. Box 280, Rutherford, New Jersey, a planner. Also present was Bruce Rosenberg, Esq., of Winne Banta, 21 Main Street, Hackensack, New Jersey, appearing on behalf of 500 Route 46 LLC who expressed that he wanted to place certain issues on the record.

Mr. Iannarella stated that the applicant requests use variance and variance approval to renovate an extension of the existing auto body shop across the street; that the proposed use will be a more efficient use of the auto body shop.

Mr. Bona testified as an architect; that he prepared the architectural plans. He testified as to the existing and proposed conditions; that the application will improve and expand the building footprint and increase the height; that the second floor will be for offices; that the first floor will be for customer service in the front and auto body shop in the rear; that there will be no additional encroachment; he testified as to the façade, elevations, site plan calculations, limited parking requirements, and modification of grading and topography.

Mr. Stimmel testified as a planner as to the positive and negative criteria and site suitability, as to the uses in the zone; that the site is existing; that zoning is advanced; that the application promotes the general welfare and promotes jobs and aesthetics; that there is no detriment to the public good and no impairment of the intent and purpose of the master plan and zone ordinance. He testified as to the variances requested; that the use is an existing, non-conforming use; that in his opinion, the applicant has justified granting of the variances requested; and he addressed the comments in the report of Nicholas A. Graviano, PP AICP, JD, dated August 30, 2022.

Mr. Rodriguez testified as the owner of the business; that hours of operation will be Monday through Friday from 8 A.M. to 4:30 P.M., Saturday from 8 A.M. to 12 Noon, closed Sundays; that he has 23 employees; that deliveries will be across the street; that vehicles arrive by appointment; that there will be a dumpster at the site; that signage will comply; that the façade will match the façade across the street; that the expansion will allow him to work on newer cars with calibration and sensors.

Mr. Rosenberg expressed his client's concern with parking and tow trucks on Trenton Avenue; whether the two buildings would be linked together; and if the proposed property were to be sold to another party, there would be no parking.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution with the stipulations as follows:

1. There will be no tow trucks on Trenton Avenue;
2. There will be no parking of vehicles by the applicant on Trenton Avenue.

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

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

## **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 Zalman Gurkov, seconded by Comr Scott Sochon, and affirmed by Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 1128 SPRINGFIELD ASSOCIATES, LLC for preliminary and final site plan approval with associated "c" and "d" variances for three one-story building additions for warehouse use and office use at 635 Brighton Road, Block 42.16, Lot 6, was adopted.

2. Upon motion made by Comr Scott Sochon, seconded by Comr George Silva, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MIGUEL GARCIA & ROSEANN TEMPRA for variances for maximum building coverage, side yard setback, combined side yard setback, and street side yard setback for second floor addition and multiple interior renovations to the first floor at 242 Washington Avenue, Block 18.08, Lot 22, was adopted.

3. Upon motion made by Comr Scott Sochon, seconded by Comr Michael Molner, and affirmed by Comrs George Silva, Scott Sochon, Michael Molner, George Foukas and Chrmn Mark Zecchino, the Resolution GRANTING the application of WHITE CASTLE SYSTEM, INC. for preliminary and final site plan approval with associated “c” and “d” variances to construct a one-story dry storage building addition with improvements to the parking area, internal restaurant modifications, drive-through display, and building signage at 1325 Main Avenue, Block 11.01, Lot 17, was adopted.

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HARRY & CAROL CONWAY for premises known as: 101 Abbe Lane, Block 33.09, Lot 32 be and the same is hereby: GRANTED variance to erect a 6-foot-high solid fence along the rear property line.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a 6-foot-high solid fence along the rear property line at premises located at 101 Abbe Lane, Block 33.09, Lot 32, which premises are located in an RA2 zone; and

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

- a. The applicant requests variance approval to erect a 6-foot-high solid fence along the rear property line where a 5-foot-high solid fence is permitted;
- b. The premises in question backs up to the parking lot of Woodrow Wilson Middle School and borders Route 46 West;
- c. There are large dumpsters visible located on the school parking lot in the line of sight of the applicant;
- d. The purpose of the fence is for privacy and security;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 6-foot-high solid fence along the rear property line at premises located at 101 Abbe Lane, Block 33.09, Lot 32, be and the same is hereby approved and the variance for fence height be and the same is hereby granted further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: KATHARINA TAKACS & MICHAEL BURNETT for premises known as: 105 Abbe Lane, Block 33.09, Lot 31 be and the same is hereby: GRANTED variance to erect a 6-foot-high solid fence along the rear yard.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a 6-foot-high solid fence along the rear yard at premises located at 105 Abbe Lane, Block 33.09, Lot 31, which premises are located in an RA2 zone; and

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

- a. The applicant requests variance approval to erect a 6-foot-high solid fence along the rear property line where a 5-foot-high solid fence is permitted;
- b. The premises in question backs up to the parking lot of Woodrow Wilson Middle School;
- c. There are large dumpsters visible located on the school parking lot in the line of sight of the applicant;
- d. The purpose of the fence is for privacy and security;
- e. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- f. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a 6-foot-high solid fence at premises located at 105 Abbe Lane, Block 33.09, Lot 31, be and the same is hereby approved and the variance for fence height be and the same is hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 ZALMAN GURKOV.**

**Seconded by: Comr SCOTT SOCHON.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **PERRY LIGHTY**  
for premises known as: **4 Henoah Avenue, Block 32.08, Lot 17**  
be and the same is hereby: **GRANTED** variance to erect a **5-foot-high solid fence with 1-foot-high lattice on top, for a total of 6 feet, along the three sides in the rear of the property.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a 6-foot-high solid fence at premises located at 4 Henoah Avenue, Block 32.08, Lot 17, 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 requests approval for a 6-foot-high solid fence in the rear yard;
- b. The applicant has agreed to amend the application to a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear yard;
- c. The purpose of the fence is for privacy and security as well as quality of life;
- 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 erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear yard at premises located at 4 Henoah Avenue, Block 32.08, Lot 17, be and the same is hereby approved and the variance for fence height be and the same is hereby granted and further subject to such further governmental approvals as may be required by law **SUBJECT TO THE APPLICANT ERECTING A 5-FOOT-HIGH SOLID FENCE WITH A 1-FOOT-HIGH LATTICE ON TOP, FOR A TOTAL OF 6 FEET, ALONG THE THREE SIDES IN THE REAR OF THE PROPERTY; 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 Graviano & Gillis Architects & Planners, 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 MICHAEL MOLNER.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MATTISYAHU & DINA GLUCK for premises known as: 450 Fenlon Blvd., Block 58.09, Lot 20 be and the same is hereby: GRANTED variances for side yard setbacks and combined side yard setback to erect a second floor addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a second floor addition at premises located at 450 Fenlon Blvd., Block 58.09, Lot 20, 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 requests approval to erect a second floor addition over the existing footprint of the building;
- b. Variances are required for side yard setbacks where 9.81 feet and 4.87 feet are proposed where 6 feet and 10 feet is required; and combined side yard setback is proposed at 14.68 feet where 16 feet is required;
- c. The variances requested are pre-existing;
- 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 since the variances are pre-existing; and

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a second floor addition at premises located at 450 Fenlon Blvd., Block 58.09, Lot 20, be and the same is hereby approved and the variances for side yard setbacks and combined side yard setback be and the same are hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 SCOTT SOCHON.**

**Seconded by: Comr MICHAEL MOLNER.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: JOSH & ANNA GOPIN for premises known as: 50 Lenox Avenue, Block 70.01, Lot 62 be and the same is hereby: GRANTED variances for side yard setback and combined yard setback to erect a second floor addition.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to erect a second floor addition at premises located at 50 Lenox Avenue, Block 70.01, Lot 62, 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 to erect a second floor addition over the footprint of the existing building;
- b. The variances requested are pre-existing;
- c. Variances are required for side yard setback where 6 feet is required, and the applicant is proposing 4.93 feet; and combined side yard setback proposed at 12.49 feet where 16 feet is required;
- 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 since the variances are pre-existing; and

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

NOW THEREFORE, BE IT RESOLVED that the application to erect a second floor addition at premises located at 50 Lenox Avenue, Block 70.01, Lot 62, be and the same is hereby approved and the variances for side yard setback and combined yard setback be and the same are hereby granted and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 SCOTT SOCHON.**

**Seconded by: Comr MICHAEL MOLNER.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.**, that the application of: **KENJI YAMASHITA**  
for premises known as: **443 Grove Street, Block 45.02, Lot 74**  
be and the same is hereby: **GRANTED** front yard setback to enclose front vestibule, variance to extend 5-foot-high free-standing wall from vestibule to the driveway, and variance to erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear of the premises.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to enclose front vestibule, extend free-standing 5-foot-high wall, and erect a 5-foot-high solid fence with 1-foot-high lattice on top in the rear of the premises located at 443 Grove Street, Block 45.02, Lot 74, which premises are located in an RA1 zone; and

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

- a. A front yard setback variance is required to enclose the front vestibule where 35 feet is required and 27.62 feet is proposed;
- b. A variance is required to extend the 5-foot-high free-standing wall from the vestibule to the driveway;
- c. A variance is required to erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear of the premises;
- d. The applicant was specifically instructed that the fence from the back to the front will be 4-feet-high, 50% open;
- e. The purpose of the fence is for privacy and safety;
- 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 enclose the front vestibule, extend the 5-foot-high free-standing wall, and erect a 5-foot-high solid fence with 1-foot-high lattice on top in the rear yard at premises located at 443 Grove Street, Block 45.02, Lot 74, be and the same is hereby approved and the variances for front yard setback, variance to extend 5-foot-high free-standing wall, and variance for fence height in the rear as aforesaid be and the same is hereby granted and further **SUBJECT TO THE STIPULATION THAT THE FENCE IN THE REAR OF THE HOUSE WILL BE A 5-FOOT-HIGH SOLID FENCE WITH A 1-FOOT-HIGH LATTICE ON TOP, FOR A TOTAL OF 6 FEET**; and subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 SILVA.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,** that the application of: **DAVID HECHING**  
for premises known as: **11 (13) Loumar Place, Block 57.06, Lot 13**  
be and the same is hereby: **GRANTED** variances for combined side yard setback to partially rebuild and enlarge the second floor; conversion of rear portion of garage to living space; and parking variance.

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval to partial rebuild and enlarge the second floor, conversion of rear portion of garage for living space; and parking variance at premises located at 11 (13) Loumar Place, Block 57.06, Lot 13, which premises are located in an RA3 zone; and

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

- a. The applicant requests a variance for combined side yard setback of 13.3 feet where 16 feet is required in order to partially rebuild and enlarge the second floor of the dwelling, which variance is pre-existing;
- b. A variance is required to convert the rear portion of the garage to a living space;
- c. A variance is required for a parking variance since the conversion of the garage takes away one space;
- 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 the proposal will not be detrimental to the health, safety, and general welfare of the neighborhood since the neighbor's concerns have been addressed;

NOW THEREFORE, BE IT RESOLVED that the application to partially rebuild and enlarge the second floor, convert the rear portion of the garage to living space, and a parking variance at premises located at 11 (13) Loumar Place, Block 57.06, Lot 13, be and the same is hereby approved and the variances for combined side yard setback, conversion of portion of garage to living space, and parking be and the same are hereby granted and further subject to such further governmental approvals as may be required by law **SUBJECT TO THE FOLLOWING STIPULATIONS:**

- A. THAT THE SECOND FLOOR BALCONY AND SECOND FLOOR PATIO DOOR ARE ELIMINATED;**
- B. THAT THE EXISTING FENCE POSTS WILL BE REMOVED;**
- C. THAT THE APPLICANT WILL PLACE BOLLARDS IN THE MUD ROOM WALL FOR SAFETY PURPOSES, TO BE APPROVED BY THE ZONING OFFICER;** 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 Graviano & Gillis Architects & Planners, 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 VICE-CHRMN GERARD SCORZIELLO.**

**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 7, 2022.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: NEW TRIMBLE AUTO BODY for premises known as: 217 Trimble Avenue, Block 6.19, Lot 1 be and the same is hereby: GRANTED preliminary and final site plan approval with associated “d(2)” and “c” variances for construction of a first and second floor addition for an autobody facility.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on September 7, 2022. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance and variance approval to conduct an auto body shop at premises located at 217 Trimble Avenue, Block 6.19, Lot 1, which premises are located in a BC zone; and

WHEREAS, the applicant has applied for preliminary and final site plan approval as well as a use variance to operate an autobody shop within the BC zone district and the following “c” variances:

- a. A variance is required for minimum lot area where 10,000 square feet is required and 6,349 square feet is existing and proposed;
- b. A variance is required for minimum lot width where 100 feet is required and 50 feet is existing and proposed;
- c. A variance is required for maximum lot coverage where 60% is required and 69.7 percent is proposed;
- d. A variance is required where a maximum of one story is required and 2 stories are proposed;
- e. A variance is required for minimum front yard setback where 5 feet is required and -1.20 feet is proposed on Trimble Avenue;
- f. A variance is required for minimum street side yard setback where 5 feet is required and 0.74 feet is proposed;
- g. A variance is required for minimum rear yard setback where 10 feet is required and 0.3 feet is proposed;
- h. A variance is required in that off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located in any required front yard, and parking in the front yard is existing and proposed;
- i. A variance is required in that off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line. All setback areas shall be adequately landscaped. The current parking lot and drive through lanes violate this requirement on all sides of the property; and
- j. A variance is required where 16 off-street parking spaces are required and less than 16 parking spaces are proposed on-site; and

WHEREAS, the Board is in receipt of a report from its planning expert, Nicholas A. Graviano, PP, AICP, JD dated August 30, 2022; and

WHEREAS, the Board has heard testimony from the applicant’s experts, Tomasz Bona, R.A., architect; and William Stimmel, PE, PP, PTOE, engineer, who gave testimony in support of the application; and

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

- a. The applicant presently operates an existing autobody shop at 214 Trimble Avenue, and the within application seeks an extension of this use across the street at 217 Trimble Avenue;
- b. The applicant proposes construction of a first and second floor addition for an autobody facility with 2,642 square feet of additional building area proposed, for a total of 5,552 square feet;
- c. The first floor will contain 4,492 square feet, of which 1,127 square feet will contain office space, and the second floor will contain 1,060 square feet of office space;
- d. Based on the testimony of the applicant's experts, the Board finds that the site is particularly suited for the proposed use;
- e. The applicant has satisfied the positive and negative criteria required for the grant of the use variance requested;
- f. The applicant has sustained the burden of proof for the "c" variances since they advance the purposes set forth in the Municipal Land Use Law;
- g. The variances may be granted without substantial detriment to the public good and without impairment of the intent and purpose of the zone plan and the zone ordinance;
- h. The benefits of the application outweigh the detriments, if any;
- i. The Board finds that the testimony presented by the applicant's experts is credible and supports approval of the application;
- j. The applicant has shown sufficient hardship to justify the grant of the "c" variances requested;
- k. Based upon the testimony presented by the applicant's experts, the Board concludes that the applicant has met its burden of proof, entitling it to the grant of the approval 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 as aforesaid for preliminary and final site plan approval and associates "d" and "c" variances to conduct an autobody use at premises located at 217 Trimble Avenue, Block 6.19, Lot 1, be and the same are hereby approved and the "d" and "c" variances as set forth herein are hereby granted **SUBJECT TO THE FOLLOWING:**

- A. THERE WILL BE NO TOW TRUCKS ON TRENTON AVENUE;**
- B. THERE WILL BE NO PARKING OF VEHICLES BY THE APPLICANT ON TRENTON AVENUE;**

and further subject to such further governmental approvals as may be required by law 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 Graviano & Gillis Architects & Planners, 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 VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs George Silva, Zalman Gurkov, Scott Sochon, Michael Molner, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**