

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, September 16, 2020. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

ABSENT: COMRS SCOTT SOCHON AND DANIEL TRENK.

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

Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, the Minutes of the September 2, 2020, regular meeting were adopted with the unanimous approval of the entire Board.

### **CONTINUED HEARINGS**

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

Douglas J. Kinz, Esq., with offices at 356 Lafayette Avenue, Hawthorne, New Jersey, appeared on behalf of the applicants. Present and sworn were the following: Wafa Othman of 27 Tamboer Avenue, Clifton, New Jersey; Vincent Varella, Jr., of 584 Main Avenue, Passaic, New Jersey, an architect; and Nicholas Graviano of 65 Cedar Avenue, Long Branch, New Jersey, a planner. There were several interested parties: Robert

Surowiec of 15 Hepburn Road, Clifton, New Jersey; and Bernadette Bielitz of 25 Hepburn Road, Clifton, New Jersey.

This is a continued hearing from the meeting of August 19, 2020.

Mr. Graviano gave testimony concerning the amendment to the plans from six units to four apartments; that each unit will be an open plan, and on the first floor there will be a living room, dining room, kitchen and half bath; that on the second floor, there will be two bedrooms, two bathrooms, and a study; that the applicant intends to keep the project as a four-unit multi-family building, not a separate townhouse or condominium unit.

In response to a question raised by Comr Louis DeStefano, the applicant stipulated that it would return to the Board for approval in the event that the apartment units are sold separately.

The interested parties' primary concern was that the project would adversely affect the quality of life in the area.

After a review of the testimony, Vice-Chrmn Gerard Scorziello moved to approve the application and instructed the Counsel Secretary to prepare the proper Resolution for approval as revised for a four-apartment multi-family building subject to the applicant complying with all recommendations set forth in the report of Neglia Engineering dated July 2, 2020; subject to Passaic County Planning Board approval; and further subject to no sale of apartment units without Zoning Board approval. The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a six to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **JOHN RADER**, 817-825 Clifton Avenue, Block 35.06, Lot 16 – B-C – Site plan approval required to remove the existing MOONEY AUTO REPAIR GARAGE, to 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.

Frank A. Carlet, Esq., with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn were the following: Gary Kliesh of 36 Ames Avenue, Rutherford, New Jersey, an architect; Matthew Seckler of Stonefield Engineering with offices at 92 Park Avenue, Rutherford, New Jersey, a traffic engineer; and Jose Nieves of 817 Clifton Avenue, Clifton, New Jersey, manager of Dunkin Donuts. There were a number of interested parties: Ann Bain, 18 West Windy Bush Road,

Sparta, New Jersey; and Susie Wong, Sheng G. Wang, and Tony Wong of 811 Clifton Avenue, Clifton, New Jersey.

This is a continued hearing from the meeting of August 19, 2020.

The Board is in receipt of reports from its Planning Consultant, Gregory Associates, dated August 17, 2020, and revised September 9, 2020; and Neglia Engineering dated August 7, 2020, and revised September 11, 2020.

Mr. Carlet stated that the applicant is seeking approval for a use variance, bulk variances, and a D-3 conditional use variance to demolish the existing Mooney's Garage building and construct an addition to the other existing building on the property and reconfigure the parking area to accommodate same for a Dunkin Donuts with a drive-thru and an additional restaurant space.

Mr. Kliesh addressed the comments in the Neglia report revised September 11, 2020, concerning the site and the project description; general engineering comments; grading, drainage, and utility comments; traffic comments; and lighting and landscaping comments.

Susie Wong offered into evidence which was marked "O-1" three photographs of the adjacent property where the Mooney Garage is located. Mr. Kliesh stated that the applicant is preparing to construct a retaining wall.

Jose Nieves testified as the Manager of Dunkin Donuts and stated that there are four to five employees in the morning; that garbage pick up is on Monday, Wednesday, and Friday in the morning; and he further testified as to the procedure for accepting and delivering orders at the drive-thru, stating that there would be three employees committed to the drive-thru lane.

Matthew Seckler testified as a traffic expert and stated that he prepared a traffic impact study for the proposed improvements to the existing Dunkin Donuts facility dated September 3, 2020; that the report included existing conditions, traffic volumes, level of service and capacity analysis; that the report also indicated trip generation studies and proposed trip generations as a result of the proposed application; that the proposed improvements to the existing Dunkin Donuts will not have a negative impact on the adjacent roadway to the site; and he further testified as to site access, circulation, and parking supply, circulation and maneuvers are not expected to be impacted by the proposed drive-thru; that in his opinion, the proposed development will not have a significant impact on the traffic operations of the adjacent roadway network; that the site drawings and on-site layout have been designed to provide for effective access to and from the subject property, and the parking supply will be sufficient to support the project.

At this point in the hearing, Chrmn Mark Zecchino continued the matter to the October 21, 2020, meeting of the Board.

**NEW HEARINGS**

1. **AVRAHAM SACKTON**, 410 Dwasline Rd.,  
Variance Block 57.06, Lot 6 – RA3 – Applicant proposes to widen the existing driveway to create a turn around area so that cars will not back out onto Dwasline Road. At the proposed turn around area, the driveway will be 40’ wide where a maximum of 30’ is permitted.

The applicant, residing at 410 Dwasline Road, Clifton, New Jersey, was present and affirmed to give testimony. There were no objectors.

The applicant testified that he proposes to widen the existing driveway to create a turn-around area so that cars will not back out onto Dwasline Road; that at the proposed turn-around area, the driveway will be 40 feet wide where a maximum of 30 feet is permitted; that the proposal will provide for safety when exiting the site and allow for forward entry without disturbing traffic.

After a review of the testimony, Comr George Foukas moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the variance requested. The motion was seconded by Comr Michael Molner. Voting in the affirmative were Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

2. **ARI & TOVA MOSKOWITZ**, 447 Rutherford  
Variance Boulevard, Block 58.09, Lot 1 – RA3 – Applicant proposes to build a deck in the front of the home. A variance is requested for the front yard setback proposed at 22’ where 25’ is required.

The applicants, residing at 447 Rutherford Boulevard, Clifton, New Jersey, were present and affirmed to give testimony. There were no objectors.

Ari Moskowitz testified that he proposes to build a deck in the front of the home at the subject premises; that a variance is requested for the front yard setback which is required at 25 feet, and the applicant is proposing 22 feet.

After a review of the testimony, Comr Michael Molner moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the front yard setback variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

3. **HUSAM RAMADAN**, 14-16 Mt. Washington Avenue, Block 361-6, Lot 9 – RA3 – Applicant  
Use seeks to continue and to expand the pre-existing  
Variance; use of the improvement as a two-family home  
Variances by adding a second floor to the home. Applicant  
further seeks any and all bulk variance relief  
and/or other reviews that the Board may deem  
appropriate.

Alfred Acquaviva, Esq., with offices at 1114 Goffle Road, Hawthorne, New Jersey, appeared on behalf of the applicant. Present and sworn was Nassir Almukhtar of 1171 Madison Avenue, Paterson, New Jersey, an architect. There were no objectors.

Mr. Almukhtar testified that the applicant seeks to continue and to expand the pre-existing use of the improvement of a two-family dwelling by adding a second floor; that there will be no change in the use of the premises; that there are other homes in the area similar to what the applicant is proposing; that a use variance is required since it is an expansion of a non-conforming use, to wit: a two-family dwelling in a RA3 one-family zone.

After a review of the testimony, Comr Louis DeStefano moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval of the use variance. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino. By a seven to zero vote, the motion carried, and the application was granted in the form as more fully appears at the end of these Minutes.

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

### **RESOLUTIONS**

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

1. Upon motion made by Comr George Foukas, seconded by Comr Michael Molner, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of DANIEL AND RACHEL GUTLOVE for rear yard setback and lot coverage variances for a rear two-story addition at 419 South Parkway, Block 58.06, Lot 3, was adopted. RA3

2. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ZEV AND SHELLY LOB for front yard, left side yard, combined side yards, and lot coverage variances for a second story addition and new covered front porch at 420 South Parkway, Block 58.02, Lot 5, was adopted. RA3

3. Upon motion made by Comr Michael Molner, seconded by Comr George Foukas, and seconded by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of LORI AND CHRIS DIAZ for variances to locate a driveway in front of the house in an area not serving a garage and enlargement of curb cut at 226 Broad Street, Block 23.01, Lot 13, was adopted. RA3

4. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of 31 SILLECK ST. LLC for front yard setback and combined side yard setback variances for a second story addition over the existing attached garage at 31 Silleck Street, Block 23.01, Lot 5, was adopted. RA3

5. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Louis DeStefano, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of STEVEN HELMREICH for a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet along the side and rear lot lines and 5-foot-high solid fence along the northwest lot line at 199 Rutherford Boulevard, Block 60.11, Lot 7, was adopted. RA3

6. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of RICARDO AND DORA KOHLHAUF for a 5-foot-high solid fence with a 1-foot lattice for a total of 6 feet along the right side and a 5-foot-high solid fence in the rear of the home at 76 Christie Avenue, Block 2.10, Lot 71, was adopted. RB1

7. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr George Foukas, and affirmed by Comrs George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution DENYING the application of AVRUM FRIEDMAN for a second story addition along with a two-story rear addition at 59 Ravona Street, Block 57.07, Lot 3, was adopted. RA3

8. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of WILL BISHOP for variances for front yard, right side yard, combined side yards for a second floor addition with a front and rear cantilever at 44 Sperling Road, Block 38.03, Lot 3, was adopted. RA3

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF SEPTEMBER 16, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: MOHAMMED AND Wafa OTHMAN for premises known as: 825 Allwood Road, Block 66.01, Lots 22 & 24 be and the same is hereby: GRANTED use variance and site plan approval for a two-story multi-family dwelling containing four residential apartments and a reverse subdivision to merge Lots 22 and 24 onto one lot.**

Testimony concerning the aforesaid application was taken by the Board at its regular meetings on August 19, 2020, and September 16, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance, site plan, bulk variances, and reverse subdivision approval to merge lots 22 and 24 onto one lot and to demolish the existing office building on Lot 22 and replace it with a two-story multi-family dwelling containing four residential apartments at premises located at 825 Allwood Road, Block 66.01, Lots 22 and 24, which premises are located in an RA3 zone; and

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

- a. The applicant submitted an application for use variance, site plan approval, and reverse subdivision for the premises located at 825 Allwood Road consisting of approximately 13,190.92 square feet and located in the RA3 district. The applicant proposes to demolish the existing building on the property and construct a four-apartment multi-family building with parking for 12 spaces.
- b. The site was the subject of an application that allowed the conversion of a single-family building on the property to be converted into a real estate office which has been vacant for a considerable period of time.
- c. The proposed multi-family use is not permitted in the zone, and a use variance is required;
- d. The proposed four-apartment multi-family project is more compatible with the zone than the existing office use;
- e. Based upon the testimony of the applicant's planner, the site is particularly well-suited for the use as a multi-family dwelling since there are other properties in the immediate vicinity which include an apartment complex and a condominium complex which are residential in nature;
- f. The applicant's planner gave testimony concerning the special reasons set forth in the zoning purposes listed in NJSA 40:55D-2;
- g. The applicant has satisfied the negative criteria since there is adequate parking to accommodate the project and the residential use supports the intent of the zone plan;
- h. With respect to the bulk variances, the premises is irregular in shape and creates the applicant's hardship for development;
- i. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a four-apartment multi-family dwelling at premises located at 825 Allwood Road, Block 66.01, Lots 22 and 24, be and the same is hereby approved and the use variance, site plan approval, and reverse subdivision and variances for lot width, lot depth, and rear yard setback be and the same are hereby granted subject to such further governmental approvals as may be required by law and **SUBJECT TO THE FOLLOWING:**

**A. SUBJECT TO PASSAIC COUNTY PLANNING BOARD APPROVAL;  
B. COMPLIANCE WITH ALL RECOMMENDATIONS SET FORTH IN THE REPORT OF NEGLIA ENGINEERING DATED JULY 2, 2020; AND  
C. NO SALE OF AN APARTMENT IS PERMITTED WITHOUT ZONING BOARD APPROVAL; and further subject to the following:**

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

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



**MEETING OF SEPTEMBER 16, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: AVRAHAM SACKTON for premises known as: 410 Dwasline Road, Block 57.06, Lot 6 be and the same is hereby: GRANTED variance to expand driveway to 40 feet wide.**

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 16, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests variance approval as aforesaid to expand the driveway at premises located at 410 Dwasline Road, Block 57.06, Lot 6, 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 widen the existing driveway at the subject premises to create a turn-around area so that cars will not back onto Dwasline Road;
- b. At the proposed turn-around area, the driveway will be 40 feet wide where a maximum of 30 feet is permitted;
- c. The purpose of the variance is to provide for safety entering and exiting the premises;
- d. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- e. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for an expansion of the driveway at premises located at 410 Dwasline Road, Block 57.06, Lot 6, be and the same is hereby approved and the variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and SUBJECT TO THE FOLLOWING:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the

requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

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

**MEETING OF SEPTEMBER 16, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: ARI & TOVA MOSKOWITZ for premises known as: 447 Rutherford Boulevard, Block 58.09, Lot 1 be and the same is hereby: GRANTED a front yard setback variance for a front deck.**

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 16, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests a front yard setback variance to build a deck at premises located at 447 Rutherford Boulevard, Block 58.09, Lot 1, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a deck in front of the premises;
- b. The front yard setback requirement is 25 feet, and the applicant is proposing 22 feet;
- c. The applicant has shown sufficient hardship to justify the grant of the variance requested; and
- d. The benefits of the application outweigh the detriments, if any; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a front deck at premises located at 447 Rutherford Boulevard, Block 58.09, Lot 1, be and the same is hereby approved and the variance for front yard setback be and the same is hereby granted subject to such further governmental approvals as may be required by law and SUBJECT TO THE FOLLOWING:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters

or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

**Resolution moved by: Comr MICHAEL MOLNER.**  
**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Zalman Gurkov, Michael Molner, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF SEPTEMBER 16, 2020.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: HUSAM RAMADAN for premises known as: 14-16 Mt. Washington Avenue, Block 361-6, Lot 9 be and the same is hereby: GRANTED use variance approval by adding a second floor to the existing two-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its regular meeting on September 16, 2020. Said testimony along with the application and plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval for an expansion of a non-conforming use by adding a second floor to an existing two-family dwelling at premises located at 14-16 Mt. Washington Avenue, Block 361-6, Lot 9, which premises are located in an RA3 zone; and

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

- a. The applicant proposes a second floor addition to an existing, non-conforming two-family dwelling;
- b. A use variance is required for an expansion of a non-conforming use;
- c. Based upon the testimony of the applicant's architect, the applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- d. The benefits of the application outweigh the detriments;
- e. There are similar-type uses in the neighborhood; and

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

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

NOW THEREFORE, BE IT RESOLVED that the application for a second floor addition to an existing, non-conforming two-family dwelling at premises located at 14-16 Mt. Washington Avenue, Block 361-6, Lot 9, be and the same is hereby approved and the use variance be and the same is hereby granted subject to such further governmental approvals as may be required by law and SUBJECT TO THE FOLLOWING:

1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.
4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Gregory Associates, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the

requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.

14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.

15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.

16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.

17. All utilities to be constructed underground.

18. All temporary encroachments into the public right-of-way shall require City Council approval.

19. All construction staging shall be done on-site, unless an encroachment for same into the public right-of-way shall be approved by City Council.

20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.

21. All oral representations made to the Board by applicant, counsel for applicant or applicant's witnesses, not specifically contained herein, but incorporated by consent of applicant.

22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.

23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.

24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

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