

Minutes of a regular meeting of the Board of Adjustment of the City of Clifton, New Jersey, held at the Council Chambers, City Hall, Clifton, New Jersey, on Wednesday, October 2, 2019. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matters set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

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

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

Upon motion made by Comr Louis DeStefano, seconded by Comr Daniel Trenk, the Minutes of the September 18, 2019, regular meeting were adopted with the unanimous approval of the entire Board.

#### CONTINUED HEARING

1. KHAL PARK AVE. LLC, 219 Rutherford Blvd.,  
Use Block 60.07, Lot 1 – M-2 – Applicant seeks  
Variance to utilize the second floor of an existing two-  
story office building as a meeting room for  
prayer services. No change will be made to  
the exterior of the premises. Room will only  
be used on weekends and religious holidays.  
A use variance is required for a house of  
worship in a M-2 zone and for two uses on  
one lot. 18 parking spaces required and none  
provided. Together with any other relief as the  
Board deems necessary and proper.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and affirmed on behalf of the

applicant were the following: William Martin of 25 Boulevard, Westwood, New Jersey, an architect and planner; and Yehuda Feder of 216 Rutherford Boulevard, Clifton, New Jersey, Managing Member of the applicant. There were no objectors.

Mr. Peterson stated that the applicant requests use variance approval to utilize the second floor of an existing two-story office building at 219 Rutherford Boulevard, Clifton, New Jersey, as a meeting room for prayer services; that there will be no change to the exterior of the premises; that the room will be utilized on weekends and religious holidays; that a use variance is required for a House of Worship in an M-2 zone and for two uses on one lot; that 42 parking spaces are required and none provided; that the second floor of the premises has been vacant for 10 years; that there will be no food served at the premises; that there will be religious services only at the site; that there will be no parties at the site; that the applicant has entered into a five year lease of the premises which will be submitted to the Board for review.

Offered into evidence which was marked "A-1" is a map of the area and location of residences and members who will come to the premises, if approved; that currently, there are 20 individuals who have indicated that they will attend; that the maximum occupancy is 49.

Mr. Martin testified as an architect and planner and stated that the applicant requests approval to convert the second floor of the office-type building to a room for prayer services; that a new entry with stairs is proposed; that the interior renovation to the second floor will include space for a kitchenette.

Offered into evidence as "A-2" is a photograph of the interior showing the kitchenette. Mr. Martin continued to testify that the premises in question is bordered by an A-3 residential district; that the site is within walking distance of the members; that the first floor was previously occupied by a shopping cart importer business; that the surrounding area consists of a mix of uses with a commercial building across South Parkway, a railroad, and one- and two-family residences; that there will be no driving to the site and no traffic problems; that the proposal will not create any noise or nuisance; that there will be no detriment to the zone plan and zone ordinance or the public good; that the site is particularly suited for the proposed use; that the "c" variances are subsumed into the use variance; that there is on-street parking available but not needed; that the space is currently vacant.

After a review of the testimony, Comr Roy Noonburg moved to grant the application and instructed the Counsel Secretary to prepare the proper Resolution for approval with the following stipulations:

1. That there be no food served at the premises;
2. That the use of the premises be limited to Saturday and Sunday and five (5) holidays;

3. That occupancy will be limited to no more than 49 people;
4. That there will be no subletting of the premises;
5. That there will be no parties at the site.

The motion was seconded by Comr Louis DeStefano. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, 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. **FRANK KOBLE**, 305 Luddington Avenue,  
Use Block 19.12, Lot 1 – RA3 – Applicant proposes  
Variance; to install an exterior door into the basement.  
Variance Basement has an existing legal bathroom.

The following variances are requested:

- 1) A use variance for a bathroom in the basement with access to the exterior.
- 2) Right side yard proposed at 0.8 ft., where 10 ft. is required (Roof over proposed basement stair).

At the request of the applicant, this matter was continued by the Board until the October 16, 2019, meeting of the Board.

### NEW HEARINGS

1. **PETER KAROUNOS “BOOM CLIFTON LLC,”**  
Use 390 Route 3, Block 72.07, Lot 7.01 – PCD –  
Variance Applicant proposes to add entertainment to his eating establishment. A use variance is required for the expansion of the use.

Glenn Peterson, Esq., with offices at 1037 Route 46 East, Clifton, New Jersey, appeared on behalf of the applicant. Present and sworn was Peter Karounos of 175 Rochelle Avenue, Rochelle Park, New Jersey. There were no objectors.

Mr. Peterson stated that the applicant proposes to add an entertainment license to his eating establishment located at 390 Route 3, Clifton, New Jersey; that a use variance is required for the expansion of the use; that the site in question is not a

nightclub; that the eating establishment is open seven days a week; that the proposal calls for a DJ (disc jockey) to be present and provide entertainment; that an entertainment license must be obtained from the Mayor and Municipal Council of the City of Clifton; that the jurisdiction of the Board is limited to the grant or denial of the requested use variance.

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 use variance requested. The motion was seconded by Vice-Chrmn Gerard Scorziello. Voting in the affirmative were Comrs Michael Molner, Daniel Trenk, 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. **RISTO NIKOLOVSKI, 26 Vernon Avenue,**  
Variances Block 6.23, Lot 19 – R-B1 – For the following bulk variances requested in connection with the conversion of a single-family dwelling to a two-family dwelling:
- 1) a lot width variance to allow the existing non-conforming 50 feet to continue where 75 feet is required;
  - 2) a lot area variance to allow the existing non-conforming 5,000 square feet to continue where 7,500 square feet is required;
  - 3) a front yard setback variance to allow 17.4 feet where 25 feet is required;
  - 4) a left side yard setback variance to allow 2.7 feet where 12 feet is required;
  - 5) a combined side yard setback variance to allow 16.3 feet where 24 feet is required;
  - 6) a lot coverage variance to allow 30.0% where 25% is permitted;

7) a garage to allow 23.09 feet from the principal structure where 20 feet is permitted;

and

8) such other variances, if any, relating to the application as the same may be amended.

Joseph C. Petriello, Esq., with offices at 30 Galesi Drive, Wayne, New Jersey, appeared on behalf of the applicant. Present and sworn was Frank D. Mileto of 14 Beaver Brook Drive, Long Valley, New Jersey, an architect and planner. There were no objectors.

Mr. Mileto stated that the applicant requests bulk variance approval to convert a single-family dwelling to a two-family dwelling at the subject premises; that the applicant is requesting variances for the following:

1. Lot width where 75 feet is required and 50 feet is provided;
2. Lot area variance where 7,500 square feet is required and 5,000 square feet is provided;
3. Front yard setback variance where 25 feet is required and 17.4 feet is provided;
4. Left side yard setback variance where 12 feet is required and 2.7 feet is provided;
5. A combined side yard setback variance where 24 feet is required, and the applicant is providing 16.3 feet;
6. That the lot coverage permitted is 25 percent, and the applicant is proposing 30 percent; and
7. That a garage is requested where 20 feet is permitted from the principal structure and 23.09 feet is provided;

that 80 percent of the homes on Vernon Avenue are two-family dwellings; that the applicant is proposing four off-street parking spaces; that the proposal is consistent with the neighborhood; that the proposal will upgrade the premises; that there will be no detriment to the neighborhood; that there are other two-family homes on 50 foot lots; that there will be no negative impacts.

There was discussion by members of the Board concerning the number of variances requested by the applicant and whether there could be a reduction in the number of variances requested since it appears that the proposal represents a gross overuse of the premises.

After review, Vice-Chrmn Gerard Scorziello moved to deny the application on the grounds that the proposal represents a gross overuse of the premises and instructed the Counsel Secretary to prepare the proper Resolution for denial of the bulk variances required. The motion was seconded by Comr Michael Molner.

Voting for denial were Comrs Michael Molner, Daniel Trenk, 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 denied in the form as more fully appears at the end of these Minutes.

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

#### CONTINUED RESOLUTION

Chrmn Mark Zecchino stated that the next order of business would be the adoption of the Resolutions set forth on the Agenda.

1. Chrmn Mark Zecchino inquired of Zoning Officer Daniel Howell whether the applicant did file a Power of Attorney as previously requested. Zoning Officer Howell responded in the negative. Thereupon, the Resolution GRANTING the application of EDGAR TORRES for rear yard setback variances for a rear single-story addition at 20 Spencer Avenue, Block 42.04, Lot 12, was CARRIED pending receipt of a Power of Attorney from the applicant. RB2

#### RESOLUTIONS

1. Upon motion made by Comr Louis DeStefano, seconded by Comr Michael Molner, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of MARY ANN VIOLA for approval for a second floor addition at 32 Maple Hill Road, Block 38.05, Lot 50, was adopted. RA3

2. Upon motion made by Comr Michael Molner, seconded by Comr Louis DeStefano, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ERNEST TEDESCO for bulk variances to convert a building containing a tavern and second floor apartment into a two-family dwelling at 25 Grunwald Street, Block 37.03, Lot 42, was adopted. RB1

3. Upon motion made by Comr Roy Noonburg, seconded by Comr Zalman Gurkov, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of ABED ABDELRAHMAN for approval for a garage extended by 4 feet at 269 Union Avenue, Block 18.16, Lot 11, was adopted. RA3

4. Upon motion made by Comr Louis DeStefano, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of JED SKILLINS for approval to convert the existing attached garage to living space and expand the driveway farther to the left in front of the home at 168 Abbe Lane, Block 33.05, Lot 16, was adopted. RA3

5. Upon motion made by Comr Roy Noonburg, seconded by Vice-Chrmn Gerard Scorziello, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of GS AUTOPLEX, LLC d/b/a GARDEN STATE HONDA for use variance to expand the existing new and used car dealership and bulk variances for pylon sign and lighting type fixtures at 313 Allwood Road, Block 80.01, Lot 11.02, was adopted. PD-HC

6. Upon motion made by Vice-Chrmn Gerard Scorziello, seconded by Comr Zalman Gurkov, and affirmed by Comrs Zalman Gurkov, Michael Molner, Daniel Trenk, Louis DeStefano, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino, the Resolution GRANTING the application of PB NUTCLIF MASTER, LLC for amended preliminary and final site plan approval to construct private roadways for internal circulation and to provide access to a parking garage previously approved and reduction in impervious coverage at former HOFFMAN-LA ROCHE campus at 340 Kingsland Street, Block 80.02, Lot 1.01, was adopted. M-3

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

Respectfully submitted,

JOHN D. POGORELEC  
COUNSEL SECRETARY

**MEETING OF OCTOBER 2, 2019.**

**RESOLVED** by the **ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J.,**  
**that the application of: KHAL PARK AVE. LLC**  
**for premises known as: 219 Rutherford Blvd., Block 60.07, Lot 1**  
**be and the same is hereby: GRANTED use variance to utilize the second floor of an**  
**existing two-story office building as a meeting room for prayer services.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 2, 2019. Said testimony along with the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval as aforesaid to utilize the second floor of an existing two-story office building as a meeting room for prayer services at premises located at 219 Rutherford Boulevard, Block 60.07, Lot 1, which premises are located in an M-2 zone; and

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

- a. The applicant proposes to utilize the second floor of an existing two-story office building as a meeting room for prayer services;
- b. A use variance is required for a house of worship in an M-2 zone and for two uses on one lot;
- c. Based upon the testimony presented by the applicant's expert, the site is suitable for the proposed use;
- d. The site in question will only be utilized on weekends, Saturday and Sunday, and five (5) holidays;
- e. That there will be no food served at the site;
- f. Attendance will be limited to no more than 49 individuals;
- g. There will be no change to the exterior of the premises;
- h. That the applicant has satisfied the positive and negative criteria required for the grant of a use variance;
- 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 since the second floor is presently vacant and has been for the past ten years, and will be occupied by residents in the neighborhood for prayer services; and

WHEREAS, the Board further finds based upon the testimony presented by the applicant's expert, that there will be no noise or nuisance, no driving, and no traffic problems which will help promote the health, safety, and general welfare of the neighborhood;

NOW THEREFORE, BE IT RESOLVED that the application to utilize the second floor of an existing two-story office building as a meeting room for prayer services at premises located at 219 Rutherford Boulevard, Block 60.07, Lot 1, be and the same is hereby approved and the use variance for house of worship in an M-2 zone and for two uses on one lot be and the same are hereby granted subject to such further governmental approvals as may be required by law **AND SUBJECT TO THE FOLLOWING:**

- A. That there be no food served at the premises;**
- B. That prayer services be limited to Saturday and Sunday and five (5) holidays;**
- C. That occupancy will be limited to no more than 49 individuals at one time;**
- D. That there will be no subletting of the premises;**
- E. That the applicant will provide a copy of the Lease to the Board for review;**
- F. That there will be no parties at the site.**

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

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

**Resolution moved by: Comr ROY NOONBURG.**  
**Seconded by: Comr LOUIS DE STEFANO.**  
**Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF OCTOBER 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: PETER KAROUNOS “BOOM CLIFTON LLC” for premises known as: 390 Route 3, Block 72.07, Lot 7.01 be and the same is hereby: GRANTED a use variance to add an entertainment license to his eating establishment.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 2, 2019. Said testimony along with the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests use variance approval for the expansion of his eating establishment use by adding an entertainment license at premises located at 390 Route 3, Block 72.07, Lot 7.01, which premises are located in a PCD zone; and

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

- a. The applicant conducts an eating establishment at the site in question;
- b. The applicant proposes to add entertainment to his eating establishment;
- c. A use variance is required for the expansion of the current use;
- d. The site in question is not a nightclub;
- e. The entertainment license jurisdiction is within the purview of the Mayor and Municipal Council, and applicant is required to obtain the required approval;
- f. The applicant has satisfied the positive and negative criteria required for the grant of the use variance;
- 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 the applicant must obtain approval from the Mayor and Municipal Council for an entertainment license;

WHEREAS, the Board 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 a use variance to expand the current use of the premises to add an entertainment license at premises located at 390 Route 3, Block 72.07, Lot 7.01, 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:

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

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

**Resolution moved by: Comr GEORGE FOUKAS.**  
**Seconded by: Comr VICE-CHRMN GERARD SCORZIELLO.**  
**Affirmed by: Comrs Michael Molner, Daniel Trenk, Louis DeStefano, George Foukas, Roy Noonburg, Vice-Chrmn Gerard Scorziello, and Chrmn Mark Zecchino.**

**MEETING OF OCTOBER 2, 2019.**

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: RISTO NIKOLOVSKI for premises known as: 26 Vernon Avenue, Block 6.23, Lot 19 be and the same is hereby: DENIED bulk variances to convert a single-family dwelling to a two-family dwelling.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on October 2, 2019. Said testimony along with the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

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

WHEREAS, the applicant requests bulk variance approval to convert a single-family dwelling to a two-family dwelling at premises located at 26 Vernon Avenue, Block 6.23, Lot 19, which premises are located in an R-B1 zone; and

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

- a. The premises in question is currently a one-family dwelling;
- b. The applicant proposes to convert the one-family dwelling to a two-family dwelling;
- c. The applicant is requesting the following variances:
  1. Lot width where 75 feet is required and 50 feet is provided;
  2. Lot area variance where 7,500 square feet is required and 5,000 square feet is provided;
  3. Front yard setback variance where 25 feet is required and 17.4 feet is provided;
  4. Left side yard setback variance where 12 feet is required and 2.7 feet is provided;
  5. A combined side yard setback variance where 24 feet is required, and the applicant is providing 16.3 feet;
  6. That the lot coverage permitted is 25 percent, and the applicant is proposing 30 percent; and
  7. That a garage is requested where 20 feet is permitted from the principal structure and 23.09 feet is provided;
- d. The applicant has shown no hardship to justify the grant of the variances requested;
- e. The detriments of the application outweigh the benefits, if any;
- f. The proposal represents a gross overuse of the premises;
- g. The applicant has failed to sustain the burden of proof required for the grant of the aforesaid variances requested; and

WHEREAS, the Board finds from the testimony presented that the proposal will not be in accord with the intent and purpose of the master plan and the zone ordinance since the proposal represents too many deficiencies to justify approval of the variances; and

WHEREAS, the Board further finds that the proposal may be detrimental to the health, safety, and general welfare of the neighborhood because of the numerous deficiencies requested by the applicant;

NOW THEREFORE, BE IT RESOLVED that the application as aforesaid to convert a one-family dwelling to a two-family dwelling at premises located at 26 Vernon Avenue, Block 6.23, Lot 19, be and the same is hereby disapproved and the bulk variances for lot width, lot area, front yard, left side yard, combined side yard, lot coverage, and location of garage variances be and the same are hereby denied.

**Resolution moved by: Comr VICE-CHRMN GERARD SCORZIELLO.**

**Seconded by: Comr MICHAEL MOLNER.**

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