

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 1, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (2A)
ALESSIA ERAMO
MAUREEN O'CONNOR
SCOTT SOCHON
MICHAEL MOLNER
GEORGE FOUKAS
CHAIRMAN ZECCHINO

ALSO PRESENT:

Nicholas Graviano, P.P., Board Planner
Anthony Kurus, P.E., Board Engineer
Liana Bolcato, Asst. Zoning Officer
Jessica Sweet, Esq., Counsel/Secretary

Chairman Zecchino called the Meeting to Order at 7:00 p.m.; he 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" public notice of the Board's 2024 regular meeting schedule was published in the Herald News on December 24, 2023. All notice requirements were satisfied. Chairman Zecchino announced the time, place, and form of notice as well as advising all applications 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.

CONTINUED HEARINGS

1. JOSH LOWY, 18 Conover Ct., Bl. 71.03, Lot 5, Zone: RA3

The applicant is proposing an addition and alterations to the existing single-family home which requires the following bulk variances; rear yard setback proposed at 28.42' where 35' required, rear intersecting gable is creating a 3rd story where 2 stories are permitted, multiple rooms in basement proposed where one open reception room is permitted.

Chairman Zecchino announced that this application will be carried to May 15, 2024.

2. TERESA VARGAS, 1084-1088 Main Ave., Bl. 8.01, Lot 29; Zone: BC

The applicant is seeking a use variance, parking variance, and various bulk variances to replace an existing one-story commercial structure with a 2-story mixed commercial and residential use building.

Chairman Zecchino announced that this application will be carried to June 5, 2024.

Chairman Zecchino announced that the agenda would be taken out of order, with new applications to be taken first.

1. STELMACH AUTO CARE, 1 Grove St. & 1425 Broad St.; Block: 27.13 & 76.02, Lot: 1; Zone: RA2 & BA

Dominic Iannarella, Esq

Commissioner Foukas recused himself and left the dais as he was identified as a property owner within 200 feet of the subject property of the application.

Mr. Iannarella requested to “bifurcate” the locations proposed; based on the feedback received from the board’s professionals and neighboring owners, he advised the Board that the Applicant has decided to withdraw the 1425 Broad Street property from the application and is now seeking approval only for 1 Grove Street. Mr. Iannarella then stated he would be providing the testimony of three witnesses: Applicant/owner Vincent Stelmach, 1 Grove Street, Clifton; interested parties/neighboring property owners Debra Agnolet, 11 Homestead Street, and Edward M. Mazur 5 Homestead Street, all of whom were sworn in by Ms. Sweet.

Mr. Iannarella stated that use variances for an expansion of a nonconforming use and a variance for two uses on one lot are being requested to allow Mr. Stelmach to expand his existing auto body shop to additionally allow for City towing. Mr. Iannarella first called Mr. Stelmach. Mr. Stelmach testified that the site has plenty of parking and can accommodate both the existing auto body use and the proposed new towing use. The parking arrangement shown on the plan will be sufficient to accommodate both.

Chairman Zecchino asked Mr. Stelmach if he does auto detailing at the subject property; Stelmach said no, he’s only doing auto repair work there. Chair: don’t you need 800 square feet of interior space per the city towing ordinance? Stelmach testifies that he has 800 SF of interior space; he has 8 bays and can dedicate 2 bays to towing. Chair says he visited the site on Sunday and the lot was full, and asked Mr. Stelmach how the site will accommodate both the existing auto body repair use and the proposed City towing/auto storage use. Mr. Stelmach says he can remove some of the cars if he’s approved for towing, he has another property in West Milford where he can move vehicles. Chair says he’s never seen this lot look clean; this is the major problem; at the entrance from Paterson to Clifton this property is the first thing you see when you come into town; it needs to be cleaned up. Mr. Iannarella states that the applicant will agree to clean up the property and provide landscaping and dress up the site.

Board Planner Graviano agrees with the Chair’s concerns about this site being a gateway to Clifton, and notes that the provision of landscaping on the corner would be a benefit to the City. Mr. Graviano additionally recommends that the applicant remove the lawn maintenance equipment, resurface the parking lot, and add landscaping to the site.

Commissioner Molner asks if all access to the site is via Grove Street, noting that he passes there every day. Commissioner Molner asks if parking is allowed on Grove Street. Mr. Stelmach answers in the affirmative, and states that although parking is allowed on Grove Street, he no longer uses the opposite side of the street for parking out of deference to the neighbors. Commissioner Molner stated that he has observed that the site receives a lot of deliveries, the lot is crowded, and cars are pulling out into Grove Street in a haphazard fashion. Mr. Stelmach responds that he can move cars to his West Milford property if approved for City towing/storage; right now, he has jobs sitting on the site for customers not in a rush. Commissioner Molner raises concerns about why this wasn't already done. Mr. Stelmach responds that if he had the additional income brought in by towing he could slim down his auto body/repair operation.

Commissioner Eramo asks how the site operations will work and how long towed vehicles will remain stored at the site. Mr. Stelmach responds hopefully as short a time as possible; Mr. Iannarella states it should be only 30 days but depends on circumstances of the tow, noting that in his experience, the process has sped up a bit. Commissioner Eramo asked where the cars will be stored if there is an overflow situation, would the towed cars go to West Milford? Mr. Iannarella states that City tow cars have to stay in Clifton; if the tow dispatch calls and they don't have enough room, he will have to decline. Mr. Iannarella states that the applicant will agree to improve the site and add landscaping.

Chairman Zecchino notes the site is in a residential zone; this is not an industrial zone, and expresses concerns about the effects on residential properties nearby. The Chair states that the applicant needs to take better care of the property and clean it up. Mr. Iannarella states that the applicant is going to request an adjournment, since only 6 eligible Board members are present; this adjournment will give the applicant a chance to clean up the site and reorganize it.

The Chair notes that he observed the presence of numerous junk cars on the site. Mr. Stelmach replies that there are no junk cars on site; there are older cars getting restored. The Chair states that he also observed a tire in the sidewalk when he drove by today; Mr. Stelmach replies that he was not aware of this; it must have been a mistake. Mr. Stelmach further stated that if he receives approval for City towing, he won't put cars on the street, will pull in, do all necessary loading/unloading on the site; there will be no disturbance to the neighbors.

Commissioner Molner asks Mr. Stelmach how he will maneuver the cars being towed/stored to make this parking plan work with all those cars onsite. Mr. Iannarella responds that the cars can be moved around the site; the intention is not to occupy all 40 spots.

Chairman Zecchino expresses concerns as to whether the property is big enough to accommodate additional vehicle storage. Mr. Iannarella states that they did the

survey/parking plan to demonstrate the site's full parking capacity, but the parking plan will not necessarily be used as shown. Mr. Iannarella further stated that right now, the applicant is only seeking approval to tow; to receive approval from the City, he needs to show 40 parking spaces. He wants the ability to do towing as a functionality of his business. AAA may call him, he wants approval just to tow vehicles to the lot; the city already has 4 towers and he may not get approved for this. If this board approves him to be a tower, he won't necessarily be a city tower. That's a second approval by Council. It would allow him to tow and act as a towing company to bring towed cars to the lot. The parking plan is sort of theoretical. The Chair says we need a site plan for this. He would rather see this adjourned and come back with some changes and landscaping.

Commissioner Eisenmann asks how cars currently get to the site; Mr. Iannarella replies that they are often towed, the towing is a component of the auto body shop use; there has been some debate about this subject with the zoning officer, who ultimately determined that the towing would constitute an expansion of the current nonconforming use. Commissioner Eisenmann asks about the hours of operation; Mr. Stelmach states they are now 8-5 Monday – Friday; for towing, they need to be open 24/7. Stelmach says he presently keeps only weekday hours out of respect for the neighbors; if approved for City towing, he would go into the rotation, would get a call at a random time, could be in the middle of the night, whenever dispatch calls.

Mr. Iannarella then called his next witness, interested party/neighboring property owner Debra Agnolet, who testified that she has lived across the street from Stelmach Auto Body since the early 1960s. Ms. Agnolet states that Mr. Stelmach has been an excellent neighbor, he's a real help with car repairs; he has treated her parents excellently, a general good neighbor, offers to shovel snow. She stated that there is never any noise in the evening from the auto body shop. Ms. Agnolet stated further that although tow trucks do sometimes come at night, and she does hear them at times, it is not a problem. She would like to see this approved.

Mr. Iannarella then called interested party/neighboring property owner Edward Mazur, who testified that Stelmach fixes their cars, and described Mr. Stelmach as "a straight up guy who keeps his word."

Mr. Iannarella then clarified that the existing auto body use does at times receive cars in the middle of the night; these are typically disabled vehicles that need to be dropped off for repairs. Mr. Iannarella advised the Board that he will work with the Applicant to provide a detailed site plan with proposed improvements. Chairman Zecchino responds that he would like the Applicant to clean up the property and provide more site plan details; the Board cannot approve this application based only on the survey details provided. The Chair then announced that the application will be adjourned to June 5, 2024, with no further notice to be provided.

Commissioner Foukas then rejoined the Board and took his seat on the dais.

2. TRIMBLE AUTO BODY, 204/214/217 Trimble Ave.; Block 6.16, Lots: 5 & 11; Block 6.19, Lot: 1; Zone: RB1 & BC

Dominic Iannarella, Esq., appeared on behalf of the applicant, Trimble Auto Body, and advised that he would present the testimony of Mr. Ido Rodriguez, owner/operator, who was then sworn in by Ms. Sweet. Mr. Iannarella stated that the applicant is requesting a use variance to expand the existing nonconforming auto body shop to include towing and vehicle storage on both lots; this requires a D(1) use variance for two principal uses on one lot, and a D(2) variance for expansion of a nonconforming in the RB1 and BC zones, and any other variance relief deemed necessary by the Board or its professionals. Mr. Iannarella stated that the applicant proposes to use Lots 5 & 11 as the main towing lot. Lot 1 would be used as the overflow lot. Mr. Rodriguez testified that both the towing and storage use and the auto body use can be integrated/accommodated on the existing site, with additional parking inside the building. All three buildings can accommodate 20-25 additional vehicles. They have enough office space to accommodate the towing operation.

Chairman Zecchino asked Mr. Rodriguez to explain how each building is used; Mr. Rodriguez stated that the 214 Trimble is the original building; 204 was added a few years ago; 215-217 is used to process the vehicles.

Bruce Rosenberg, Esq., appeared on behalf of adjacent property owner 500 Route 46 Acquisition LLC, and stated that he wants to confirm that the applicant will agree to continue to comply with the conditions of the 2022 approval, specifically the prohibition against parking of vehicles on Trenton Ave. Mr. Iannarella confirmed that the applicant will continue to comply with this condition of the prior approval.

Commissioner Eisenmann then asked about the hours of operation; Mr. Rodriguez stated that they are presently 8-5, Monday to Friday; vehicles can be received 24 hours but not repaired outside of operating hours.

Mr. Iannarella then provided a closing statement summarizing the relief sought as an expansion of the preexisting nonconforming use to include city towing and towed vehicle storage. The applicant already receives towed vehicles but this would allow for storage of vehicles that are not being repaired.

At the conclusion of the testimony, Commissioner Foukas made a motion to approve, noting that this is a well-kept site and the applicant demonstrated that it can accommodate the additional vehicle storage that will be generated by City towing, with the stipulations that the applicant will continue to comply with the prior conditions of 2022 approval; no parking on the Trenton Avenue right-of-way; and compliance with the Board Professionals' reports. Commissioner Sochon seconds the motion. Voting in favor are Commissioners Eisenmann, Eramo, O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

3. **IVAN CABARCAS**, 66 West 2nd Street Block: 9.07 Lot: 20- Zone: M2

Dominic Iannarella, Esq., appeared on behalf of the applicant, Ivan Cabarcas, and advised that he would present the testimony of property co-owners Mr. Youssef Genid and Dr. Ali Mazandarani, 33 Central Ave. Midland Park NJ, who were then sworn in by Ms. Sweet. Mr. Iannarella advised the Board that his architect is expected to attend but is at another meeting; he will present his fact witness testimony for now and see what the Board wants to do when completed.

Mr. Iannarella provided an opening statement in which he described this as a variance application to convert an existing commercial structure into a 3-family residential apartment to contain three two-bedroom units. A similar application was approved in 2015 but it was not built. Since this was filed, they revised the plans to eliminate the originally proposed second story and to instead maintain the same building footprint and propose a new roof, and to dress up the commercial structure to appear more residential. Mr. Iannarella stated that this is straightforward from an architectural standpoint; a D(1) use variance is required since the property is in the M2 zone, which does not permit residential uses; the structure of the building is going to remain the same. Parking in the back will be accessed via the parking easement over the property to the rear; the prior owner that the applicant purchased the property from owned both lots, and the access easement was never extinguished.

Commissioner Foukas commented that if they eliminate the curb cuts, they can park 2 more cars. Board Planner Graviano expressed his agreement, suggesting that the applicant agree to eliminate the curb cuts on West 2nd Street; and add grass and landscaping to make the site look more residential. Mr. Iannarella says the applicant will agree to make these improvements; Dr. Mazandarani agrees to comply with the recommendations. Commissioner Molner asks about the parking variance; Mr. Iannarella states that they are proposing 4 parking spaces onsite; the rear yard will be cleaned up and improved. Removal of the curb cuts will provide two on-street parking spaces.

The Chair then opened the hearing to interested parties. Jada Lassiter, 70 West 2nd St., was sworn and testified that her house is to the left side of the property. Ms. Lassiter testified that the previous approval was for a studio and one-bedroom that would be rented out to their employees; it was not for luxury apartments to be rented out to the general public. Ms. Lassiter stated that she is concerned about parking- there's nowhere to park; West 2nd St. is one block, one way. Ms. Lassiter further stated her concern with parking in the back, and asked the applicant to clarify that the plan is to access the rear lot from South 1st Avenue, since there's another business on the South 1st Avenue lot to the rear. Mr. Iannarella responds that the applicant is going to utilize the easement for access, as the easement provides for this use. Ms. Lassiter further questioned the suitability of the plan to provide for three two-bedroom units.

Board Planner Graviano clarified that the 2015 resolution approved three one-bedroom units; and the Board's main focus in that application was that the easement over the South 1st Ave. property to the rear was recorded properly. Ms. Lassiter replies that she recalls this

differently, but regardless, there is no available parking in this area with just the residents that currently reside there. Ms. Lassiter states that the two spaces in front will not help, there's no parking now, and the four parking spaces in the back will not be adequate for a 3-apartment unit. She further testified that her main concern is the parking with three two-bedroom apartment units. Ms. Lassiter testified that she owns a single-family home, and an apartment unit shouldn't be in the middle of these single-family homes.

Commissioner Foukas notes that before the applicant purchased the property, Corrados was running a car wash at the site. Ms. Lassiter replies that when they bought their house, the use was an AC repair company; she never knew they were there. Then they opened an auto salon without permits; a child was nearly hit by a car. The city put up a barricade; then the use ended. Corrados took it over and said they were going to develop it with three 1-bedroom units. The area is 95% residential, not commercial. The parking is horrendous. Two bedroom units can have roommates, the parking situation will get worse.

Interested party Mohammad Shah 62 West 2nd St., was then sworn. He raised additional concerns about parking. There's lots of kids in the neighborhood, it's dangerous, lots of traffic.

Mr. Iannarella then stated that the proposed residential building will be more consistent with the character of the neighborhood, they're keeping traffic off West 2nd. Entrance from South 1st and parking in the rear will be an improvement. Mr. Iannarella further stated that they are requesting a variance from the required minimum number of parking spaces, where 6 spaces are required, and 4 proposed. Commissioner Eisenman asked for clarification as to the location of the building entrance; Mr. Iannarella replied that there is an entry door fronting on West 2nd but there will be a building entrance from the rear; Mr. Graviano recommends conditions relating to breaking up the concrete, adding rear entrance. Board Engineer Kurus states that he needs a parking lot design plan, landscaping, a more detailed site plan than what has been provided. Chairman Zecchino comments that the building looks very residential now, and that the applicant did a nice job on the plans.

At the conclusion of the testimony, Commissioner Molner makes a motion to approve, noting that the applicant is adding 2-3 more spaces to the street by eliminating the curb cuts, subject to the following stipulations: submission of a site plan showing more details, parking, access driveway, landscaping; compliance with the Board Professionals' reports. Commissioner Sochon seconds. Voting in favor are Commissioners Eisenmann, O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino. Voting against: Commissioner Eramo.

The Board then takes a five-minute recess.

4. GEELAND, LLC 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2

Attorney Michael Sullivan, entered his appearance on the record, stated that he will be presenting the testimony of applicant/owner Geeland LLC. Opening statement summarizing the property details, location, proposing to raze existing commercial property in poor condition and construct a new self-storage facility, seeking preliminary and final site plan

approval. Site particularly suited for this low traffic generating use. Not suitable for residential use for which it is zoned. Building height and stories have been recalculated so they are now seeking D6 height variance, C variance for 3 stories where 2 stories permitted. Sullivan identifies 3 major issues : visual appearance, tree removal and stormwater management. After talking with the neighbors and the farm and the board's professionals, considered concerns raised by board at last meeting. Sullivan summarized the plan changes.

Site engineer: Mark Walker

Exhibit A-4, rendering of revised site plan superimposed on the aerial. They met with Green City Farm, discussed site plan mods, saving trees, planting native species. Goal to reduce impacts to adjacent properties and increase buffer. The following changes have been made:

- Building shifted 13' to ramp M
- Biggest impact was the modification to parking, this shifted the access drive away from City Green Farm, layout changed, parallel parking added next to building, now away from City Green Farm. Emergency vehicles turnaround was kept.
- Dumpster has been relocated away from the farm.
- Access drive has to be 24' wide per ordinance, in this area near south side of the building, they reduced this down to 20 feet, need to get fire department approval; if they object they can go back to 24', not an obvious location for fire truck.
- Many more trees added to buffer. This is reducing impervious by 2,376 SF.
- Mass of building has been reduced substantially by removing the proposed 4th story and adding it to the basement level; completely below ground level. The building area remains essentially the same.
- Building height reduced from 39' to 35', 3 stories, a significant reduction from previously proposed.

Chair- where did the extra building height go? Walker says the height is an average from around the building. They removed a portion of the height from the rear of the building.

Walker- bio retention basins have been added. City Green wanted a plant-managed stormwater solution; they added 2 bioretention basins designed per the current DEP enhanced stormwater regulations; they went above and beyond these regulations and provided an additional measure of safety by creating so much surface area in the retention basins to reduce the volume of stormwater coming off the site for the 2 year, 10 year and 20 year storm. Soils give us the ability to infiltrate; they talked about after the last meeting, did additional testing and calculations. A revised 4/16/24 stormwater calculation report was filed; Sullivan asks what's the real-world implications once improvements are constructed. Walker: the volume of stormwater will be reduced and the rate of runoff will be reduced, it will be kept and managed on site. Tree removal calculations have been revised; this results in saving 50 trees on the city green side. They will remove 50 trees and plant 89 replacement trees, all NJ native plants, recommended by City Green.

Recapping variances:

D Variances requested are as follows:

- D(1) to permit a self-storage facility in the RA2 zone;
- D(6) to permit a building height of 35' where 30' is the max permitted;

C Variances are as follows:

- To permit a 4-story building where 2 stories is the max permitted;
- To permit 18 parking spaces where 67 parking spaces are required;
- To permit a 20-foot wide drive aisle where 24 feet is required;
- To permit a parking setback of 1.5 feet to the property line where 5 feet is required;
- To permit 2 loading spaces where 13 is the minimum number of loading spaces required;
- To permit a ground sign 2 feet from the ROW line where a minimum of 30 feet is required;
- To permit parking in the front yard;
- To permit freestanding and wall-mounted signs where none are permitted in the RA2 zone

Walker: no issues with the Graviano report. Re: Neglia report- they will provide dumpster detail; 3.2 they will connect into the city sewer system; 4.11 they will prepare a stormwater maintenance manual.

Sullivan: sign distance from ROW- 28.1 feet, even though they are asking for a variance for 2' from the ROW line, actual Row is 28.1 feet away. Sullivan- City fire report, applicant will comply with all suggestions, they did provide turning radius for both fire trucks; they did a turning maneuvering plan and the trucks can be accommodated.

Chair- could you still build a building there without the C variances you're requesting?

Walker- a lot of these variances are related to the fact that this is a residential zone, for a commercial zone, you could have parking in the front.

Cmr. Molner: address elevations of City Green versus this one; Walker- at Route 46, it's about 12' elevation difference, steep slope cut in 40-50 years ago.

Cmr. Eramo: building hasn't really changed size, it's just moved over? Walker, yes. Eramo- is the rear yard still to be clear-cut? And the access driveway is the same? Stormwater basins? Walker says yes. Eramo asked if they considered other green infrastructure, green roofs. Walker says no, they took a more biologically based approach, bio retention basins. Parking changes? Walker says they've added 2 more spaces. Eramo- you talked about how current stormwater goes into the city sanitary sewer, but not really true since the property is largely wooded. Walker: different soil types and different land types, run off from certain parts of the site acts differently, pavement vs. soil etc. Bio retention basins will handle all stormwater.

Sullivan: parking increased by 4 spaces, clarified.

Kurus- you've submitted to DOT, Walker- yes. Confirms that the newly designed system will address all runoff.

Chair- did your calculations take into account runoff from other properties. Walker- water on our property is all we have to deal with. City Green does drain into their property a bit.

Comr. Eisenmann- drive aisle widths? Walker- entranceway is wider, 27.5' for the entrance/exit to 46. Re: side along city green- question about retaining wall. Walker- it's a small wall, maybe 30 feet w/ max height of 3', put in so they wouldn't have to grade further. Modular block wall. Not supporting anything; to prevent grading into the buffer to City Green.

Comr. Eramo- are you proposing to plant trees off the site; Walker, no those are existing trees shown on exhibit.

Interested parties:

- Roy Ceccato, 678 Broad St., questions for applicant's counsel- previously sworn. Who is Geeland LLC? Chair says not relevant, doesn't matter who's buying it. The application does contain the names of the persons owning more than 10%. Ceccato- how did you determine the need for this? Sullivan- they've done a feasibility study, they believe there is a need for this. Applicant will have an operator run this facility, operator has not been selected; owner will not run the facility, experienced operator. Ceccato - how long to complete the building and make it available to start business. Walker- he doesn't know, that's a question for the applicant. Ceccato asked about how long it will take from the date the property is cleared until the basins are constructed. Walker says 9 mos-15 mos. Ceccato - how long until the basins/stormwater is up and running. Walker- basins will be constructed first; they will prevent muddy water from running off the site. As soon as the site is cleared, the basins will be started. Ceccato concerned about the potential lapse in stormwater management, and the effects to homeowners on Broad St. Walker says it should take less than a month for the basins to be built.
- Carl Haefels, 409 Colfax Ave., previously sworn- once the basin is constructed, during the grading and construction process how do you direct water to the basins. Walker- temporary grading to direct water to basins. Impervious coverage- Haefels checked the math on the existing impervious, he calculated it as 10,250 SF, about 11% coverage; Haefels checked the proposed coverage and calculated that to be 27.3%. With the pavement, Haefels says its over 50%. Walker agrees with his calculation; this is a reduction from what was previously proposed. RA2 zone allows building coverage of 30%; proposed building coverage is 27.3%; no limitation on impervious coverage. Haefels - plantings- plantings to shield building on west and south sides from the City Green property and Broad St? Proposing American hornbeam, red maple, and holly. Haefels says holly is a slow grower, it will take 38 years to reach 35 feet. Haefels addresses growing speeds of the proposed plantings, says it will take a long time to get these plantings to the height needed to shield the building- will be 20+ years for these plantings to grow. Debate over the caliper of plantings required by the tree ordinance. Graviano- is the applicant willing to plant taller trees, larger caliper. Applicant says yes. Graviano- is there existing veg to remain. Walker, yes- we are maintaining many of

the existing trees, which are full grown. They have to comply with the tree replacement ordinance.

- Jennifer Papa, 171 Grove St, previously sworn: From City Green, she says that they hosted them but they do not endorse this plan. City Green is not in support of this storage facility. It will be 20 years for these trees to grow. Do you think that this buffer is really adequate protection? Walker says yes, they've done a good job of keeping the existing trees. Now they are taking down how many trees? Walker- total removed will be 135 trees. Under tree removal ordinance, the area within 15 feet around the building is exempt from the ordinance. Papa: how do you calculate the heat effect of the new building? Existing trees provide a lot of cooling properties.
- Jasmine Moreano, also with City Green: She did not see the Environmental impact statement, does that still apply? Zoning Officer Bolcato says yes, Sullivan confirms. Moreano – they looked at the strategic plan of the City, does this align with the City's goal of air, light and open space. Sullivan- that's a question for the planner.
- Alexandra Perlinski, 67 Martindale Rd.: this will affect her property, lot 39. Asking about the buffer zone- it will fail, do you have a plan B? If the buffer zone fails- Walker says this is a good question- many times a condition would be put that if a tree dies, they have to replace it. Walker says he can work with the municipality to enhance the buffer if needed. They want to put in a nice buffer- maybe the town planner or forester can be involved with the review and planting of the buffer to ensure that it works as planned. Walker- we have to get a SESC permit from the Passaic-Hudson Soil Conservation District, they will make sure they're no runoff. Perlinski- what will you do if the trees die and we are facing dead trees. Sullivan says the architect is next, elevations and views showing landscaping will help answer this question.
- Blanca Rueles 658 Broad St, sworn in: you have 3 stormwater basins planned... once those get saturated, where does the water go? Walker- at the bottom of the site there's a drainage ditch that drains under Ramp M and away from the site. The way that the stormwater is designed, with the new state regs, we are required to use anticipated rainfall distribution charts projected to 2100 into the future; they designed the site to accommodate these 50% increases as projected. Walker- they've designed this site to the best management practices that the state requires them to follow.
- Nouran Ibrahim, 10 Sedeyen Ct.: Have alternate locations been considered? Sullivan says that's not relevant, they don't need to show that this is the only site per case law. How will you manage construction impacts to neighbors re: noise, traffic, and pollution? Sullivan states that construction impacts will be managed as required by ordinance.
- Elizabeth Burns, 101 Grove Street, where is the entrance/exit? Walker- directly adjacent to Ramp M off of route 46. Will not be seen from Grove Street. Hours of operation? Hours of construction? Those will be administered by the Construction code official, daylight assuming. You talked about a freestanding sign, how tall will that be? Architect to address. What's the highest point of the building? For architect.

- Marie Devito 101 Grove St., no entrance or exit on Grove St? Yes, correct. Lighting will be handled by the architect.
- Vera Lazar, 22 Spencer Ave., since this is a completely revised submission is there a revised EIS; Liana- no. Has there been any study of the plant and animal life found on the site besides the trees; Walker no. Lazar- what is the impact to the deer? Walker- cannot answer. Trees to be preserved are along the buffer to city green. Walker- yes, most of them are, it was clear after the last meeting that they needed to move the building as far as possible away from city green. The trees will be fenced to preserve them during construction. Fences will be placed during construction to avoid damage to the trees. Total trees to be removed -135 trees. They are proposing 81 replacement trees; they will have 131 trees on the site after construction. Of the 81 trees to be planted how many are major trees as defined by ordinance. Where will the 81 trees be planted? Spread out through existing trees, buffers and basin. Was there any study done on how the proposed development would impact groundwater and sunlight to farm? Walker- the treeline will remain on the common property line; he does not anticipate any impacts to sunlight. Hydrology, they determined the seasonal high water table and designed the basins to be a minimum of 2 feet above the SHWT. Lazar- any other green infrastructure? No, they only proposed these green basins, a more naturalistic approach. Heavily planted with native species.
- Doris Rascher, 678 Broad St., she read up on bio retention basins, they need to be actively maintained. How will they be maintained? Walker- Board engineer requires a maintenance manual to be submitted as a condition of approval. Every quarter there's an inspection; every rainstorm more than 1" requires inspection. Report submitted every year. If it doesn't work, a complaint would be filed, city engineer would enforce it, and they'd have to address it. There are 11 storage units within 4/10 mile, all of which are zoned industrial. Chair says that this is more of closing statement.
- Karen Mijah, 678 Broad St., C-2: how deep are basins? Walker- it varies, the two added are relatively shallow, the one adjacent to the turnaround area is 3' feet deep; the larger one is 3.7' deep. The other smaller one near Ramp M is 2.3' deep. They will be planted, lots of shrubs, trees. Property is fenced in; Mijah says how will kids be kept out, they could be curious.
- Matthew O'Donnell 75 Karen Drive, previously sworn: asks Mr. Sullivan, why is the plot not suitable for residential. Sullivan- we don't believe it is suitable, a planner will testify to this. What is the purpose of this complicated stormwater drainage system? Walker- not that complicated but intended to meet the stormwater regulations. This is the most natural way to handle stormwater. Can be done by installing pipes underground; walker says their design is the preferred method to handle stormwater by basins; the best management practices manual provides goals to decrease runoff; by infiltrating water from the basins, it will clean the water, filter out pollutants. Pollutants are sand, dust, stone, possibly hydrocarbons, parking lot runoff. Sulfur. Walker reiterates that the site is very low traffic generating, reduces the amount of pollutants from the parking lot. Walker says no odors from these pollutants. Walker had an engineer in his office do the calculations. The only reason they need the

volume shown on the plan is for the 100-year storm. Under normal conditions the basins will drain out quickly.

- Lisa Ciccone 68 Martindale Road, previously sworn: if you are decreasing the size of the building why are you increasing parking? Walker- says building will stay the same size. Are new parking spaces required? Walker- no we don't but it creates flexibility. Parking spaces are shown in a paved area. What about the freestanding sign? Architect will answer. Water from the exit ramp: you said that your drainage will be accommodated, what about the runoff from your driveway? Will there be a cutoff time to starting and ending work during construction? Clifton has an ordinance limiting hours of construction, will comply with that; hours are 7- 5 or 6 pm by code. How to keep kids out of the basins? There will only be water in the basins after then 100 year storm. Discussion about building during hurricane season. Nothing they can do to address hurricanes. Whatever happens in the future there will be less water coming off the site.
- Lana Mustafa, how do you have control over water? Agrees with neighbors about flooding concerns. What about the winter storms and rock salt put on roads? How will that affect the basins. Walker- snow melt happens slowly. What happens to the soil used to grow the food that feeds our city? Walker- they reduced the rate of runoff from the site. Much less contribution to any runoff than currently
- Ann Schnackenberg, basins all drain within 10 hours? Walker – yes, for majority of storms, but if there's continuous rain there will be some water in the basin. Typically they drain in 7 hours for a 2-year storm. These basins are able to handle the 100 year storm. A series of questions about the drainage. County Planning Board application was filed and they got comments, waiting for this Board to approve, then will get final County approval. The DOT application was filed, traffic engineer will address this in testimony. Clifton city green infrastructure ordinance tied to state stormwater regs. No porous pavement, we went with basins instead; they don't need porous pavement. When was this plan born? 2/14/23. They met only with the economic development committee meeting but not any planning committees or zoning board committees. Applicant elected to do that, not required. Liana says that the environmental commission will update their last report before the next meeting. Tree contribution has been eliminated, they will be replanted on site. Discussion of ordinance definition of major vs. minor tree. They will look for a similar basin in Clifton- Kurus says he doesn't know if anything like this has been built in Clifton yet. Very new. 5% slope of property. Water goes from the entranceway down towards the rear of the property, not towards the ramp, runoff down to the corner. She's concerned about her garden at the tip of the property. Does this design accommodate rental trucks? Yes, loading area provided, site designed to handle larger trucks.

At 10:35 p.m., Chairman Zecchino announced that the public portion of the meeting would close due to time; the hearing on this application will be continued to June 19, 2024, no further notice to be provided.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. JONATHAN & NAOMI LEB, 58 Parson Road, BLOCK: 57.01 LOT: 22 Zone: RB1
Approval of application for variances from the required minimum rear yard setback, maximum lot coverage, and maximum height (2.5 stories proposed where 2 stories is permitted) to convert an existing two-family home to a single-family home, and to construct a rear and second floor addition

Offered by Commissioner Molner and seconded by Commissioner Sochon. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

2. HELMUT ANGEL 14 Adams Terrace, Bl. 51.02, Lot 23, Zone: RA1
Approval of application for combined side yard setback variance to construct a second-floor addition to an existing single-family residence.

Offered by Commissioner Sochon and seconded by Commissioner O'Connor. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

3. GREGORY LEWIS 5 Wester Place, Bl. 75.08, Lot 9, Zone: RA1
Approval of application for front yard setback variance to construct a deck at an existing single-family residence located on a corner lot.

Offered by Commissioner Foukas and seconded by Commissioner Sochon. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

4. JOSE PINEDA & MONICA PYRYT 45 Sargeant Ave., Bl. 36.12, Lot 6, Zone: RB1
Approval of application for rear, side, and front yard setback variances to construct a first and second floor addition and renovations to an existing single-family home.

Offered by Commissioner Molner and seconded by Commissioner O'Connor. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

5. ABED ABDELRAHMAN, 269 Union Ave., Bl. 18.16, Lot 11, Zone: RA3
Approval of application for side yard setback variances (single and combined) and a variance from the maximum lot coverage requirement to construct a partial first floor addition to a single-family home.

Offered by Commissioner Sochon and seconded by Commissioner Foukas. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

6. PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION, INC., 411- 415 Main Ave., Bl. 59.03, Lots 16 & 17, Zone: B-B
Approval of application preliminary and final major site plan approval with conditional use variances from the minimum lot area and minimum front yard setback requirements, together with bulk variances for parking layout and design to construct a new house of worship.

Offered by Commissioner Sochon and seconded by Commissioner O'Connor. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

7. Minutes of the April 17, 2024 Regular Meeting

Offered by Commissioner Sochon and seconded by Commissioner O'Connor. Voting in favor: Comrs. O'Connor, Sochon, Molner, Foukas, and Chairman Zecchino.

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner Eisenmann, with the unanimous approval of all Board members present, the meeting was adjourned at 10:44 p.m.:

Respectfully submitted,
JESSICA L. SWEET, ESQ.,
COUNSEL SECRETARY