

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 15, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (2A)
DAVID BRAID (1A)
ALESSIA ERAMO
SCOTT SOCHON
MICHAEL MOLNER
VICE CHAIRMAN SCORZIELLO
CHAIRMAN ZECCHINO

ALSO PRESENT:

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. **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.

2. **GEELAND, LLC 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2**
The applicant is requesting preliminary and final site plan approval, with use and bulk variances to raze the existing commercial building and construct a 4-story 125,200 sq ft self storage facility, parking, lighting, landscaping, stormwater management, and related site improvements.

Chairman Zecchino announced that this application has been continued to June 5, 2024.

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

The applicant is requesting a use variance to expand the existing auto repair shop to include a towing yard, towing office area, and indoor storage of vehicles across two lots. The variances requested for the Grove Street lot include an expansion of a nonconforming use, two uses on one lot, any other variances as may be required or deemed necessary. The variances requested for the Broad Street lot include a use variance, two uses on one lot, and outside storage of vehicles, including any and all other variance relief as deemed necessary.

Chairman Zecchino announced that this application has been continued to June 5, 2024.

4. TJF HAZEL LLC 252 Hazel St. & 237 West 3rd St.; Bl. 16.11, Lots 1 & 2; Zone: RB-2

Chairman Zecchino announced that the Whispering Woods hearing on this application, a proposed settlement of litigation appealing the Board's December 7, 2022 denial of a prior application filed by the applicant, presently pending in the Superior Court of New Jersey, Law Division, Passaic County under Docket Number PAS-L-003197-22 and entitled "TFJ Hazel LLC v. City of Clifton Zoning Board of Adjustment," previously announced following Executive Session held at the Board's meeting of April 3, 2024, will now be heard on June 5, 2024. The Applicant will renote.

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

Applicant Josh Lowy, 18 Conover Court, appeared *pro se* and presented the testimony of Architect/Planner William J. Martin, AIA, PP, previously sworn and whose qualifications were accepted by the Board as an expert in both fields at the initial hearing on this application held on April 3, 2024. Mr. Martin testified regarding the revised plans, dated April 10, 2024, which he prepared in response to comments received from the Board at the April 3 meeting. Mr. Martin testified that at the prior hearing, the Board expressed concerns about the roof height; he revised the plans to address those concerns. Mr. Martin stated that the attic floor plan was revised as of April 10, 2024, the attic space has been reduced, as has the rear reverse dormer. The proposed laundry in the attic has been removed. Mr. Martin stated that the reverse dormer area contains only sufficient space to accommodate the height of a door, and the ridge at the rear of the house where the rear dormer is has been lowered. Mr. Martin described these changes as a benefit to the neighborhood, creating a desirable visual environment; Mr. Martin further testified that he reaffirmed the planning testimony provided at the April 3, 2024 meeting in support of the variances requested. Commissioner Molner asked if the laundry was deleted from the attic; Mr. Martin confirmed that it was. Commissioner Eramo asked Mr. Martin if the applicant is requesting a coverage variance; Mr. Martin replied that they are under on coverage (26.7% proposed where 27% max); they are requesting a rear yard setback variance and a variance for the ½ story; Ms. Bolcato stated that the zoning office considers this a 2.5 story structure; variance still required. Mr. Lowy testified that he appreciates the board's assistance and feedback on the plans.

Vice Chairman Scorziello made a motion to approve, stating the applicant has made changes consistent with the Board's comments. Commissioner Molner seconded the motion; voting in favor are Commissioners Eisenmann, Braid, Eramo, Sochon, Molner, Vice Chair Scorziello, and Chairman Zecchino.

NEW HEARINGS

1. HIMANSHU PRAJAPATI 15 Runyon Rd., Bl. 41.07, Lot 23; Zone: RA3

Himanshu Prajapati, 15 Runyon Road, appeared *pro se* and testified that he is the owner of a single-family residential property located at 15 Runyon Road, which presently contains a 1.5-story dwelling. Mr. Prajapati presented the testimony of Chris Blake, project architect, who set forth his qualifications and was accepted by the Board as an expert in the field of architecture.

Mr. Blake testified that the subject property contains an existing 1.5 story Cape Cod residence; it has dimensions of 50' x 100', and is located in the RA-3 zone. The applicant is proposing to construct a second-story addition to the existing house. Mr. Blake testified that the applicant is seeking variance relief to construct a second-floor addition to the existing dwelling along the existing building lines. Variance relief is required due to the pre-existing nonconforming front yard setback of 24.73 feet, where 25 feet is the minimum required, and the pre-existing nonconforming side yard setback, where 6 feet is the minimum required for one side yard, and 4.91 feet presently exists and is proposed to continue. Mr. Blake testified that the applicant is proposing to continue the existing building lines and will not expand the existing footprint. He notes that the variances are driven by the location of the existing house on the property, which is situated 4.91 feet from the northern side property line and 24.73 feet from the front property line, and there is no additional property available for acquisition, as the surrounding properties are fully developed.

Chairman Zecchino noted that the bathtub is in the overhang/cantilever and suggests that the applicant be careful it does not freeze; tub drain would be in the 24" cantilever. Mr. Blake says he may reconfigure the proposed bathroom layout to address this potential issue. Assistant Zoning Officer Bolcato asks about the location of the proposed AC units, and Mr. Blake says they will keep those units within the 6' setback.

Commissioner Sochon comments that the variance relief sought relates entirely to pre-existing nonconforming conditions and makes a motion to approve. Vice Chairman Scorziello seconds the motion; voting in favor are Commissioners Eisenmann, Braid, Eramo, Sochon, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

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

Approval of application for D(1) use variance to replace an existing 2 story commercial property with a 3-family multifamily residential apartment building in the M2 zone, together with bulk variance relief for minimum number of parking spaces, and minimum driveway/parking setback proposed at 0' where 5' required.

Offered by Commissioner Molner and seconded by Commissioner Sochon. Voting in favor are Commissioners Eisenmann, Sochon, Molner, and Chairman Zecchino.

2. **NEW TRIMBLE AUTO BODY**, 204/214/217 Trimble Ave.; Block 6.16, Lots: 5 & 11; Block 6.19, Lot: 1; Zone: RB1 & BC
Approval of D(1) and D(2) use variance relief to expand the existing nonconforming auto body shop to include a towing yard, towing office area, and indoor storage of vehicles, and to permit two principal uses on the property.

Offered by Commissioner Molner and seconded by Commissioner Sochon. Voting in favor: Comrs. Eisenmann, Eramo, Sochon, Molner, and Chairman Zecchino.

3. Minutes of the May 1, 2024 Regular Meeting

Offered by Commissioner Sochon and seconded by Commissioner Eisenmann. Voting in favor: Comrs. Eisenmann, Eramo, Sochon, Molner, and Chairman Zecchino.

There being no further business before the Board, Commissioner Braid moved to adjourn. The motion was seconded by Commissioner Sochon, with the unanimous approval of all Board members present, the meeting was adjourned at 7:17 p.m.:

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