

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 22, 2024
7:00 P.M. SPECIAL MEETING

COMMISSIONERS PRESENT:

DAVID BRAID (1A)
ALESSIA ERAMO
MAUREEN O'CONNOR
MICHAEL MOLNER
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO
CHAIRMAN ZECCHINO

ALSO PRESENT:

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

Chairman Zecchino called the Meeting to Order at 7:02 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 this Special Meeting was published in both the Bergen Record and Herald News on May 15, 2024. All notice requirements were satisfied. Chairman Zecchino announced the time, place, and form of notice as well as advising all persons present 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.

NEW HEARINGS

1. COSTCO WHOLESALE CORPORATION, 168 and 202 Main Avenue & 20 Bridewell Place, Block 72.06, Lots 36, 38, 42; Zone: M-2

Jennifer Mazawey, Esq., K&L Gates LLP, appeared on behalf of the applicant, Costco Wholesale Corp. Ms. Mazawey introduced the application, describing the property and stated that the applicant is requesting a use variance to demolish the existing fueling station on Lot 36 in order to expand the parking lot, relocate the gas station within lot 38 and add 4 additional pumps, requiring a D3 conditional use variance in that the relocated gas station will be within 1000 feet of a public park. There are several pre-existing nonconforming conditions that will not be changed: the number and size of the existing loading spaces; a variance for the accessory structure (gas canopy) within 52.4' of the front yard setback, where 60' is required, and a variance for the parking located in the front yard.

Ms. Mazawey advised that she will be presenting the testimony of five witnesses; two are delayed, including the Costco representative, so she will begin with the site engineer, Tung-To Lam, PE, Bohler Engineering, who set forth his qualifications and was accepted by the Board as

an expert in the field of site engineering. Mr. Lam introduced exhibit A-1, an aerial exhibit prepared by Bohler, dated 5/10/24, showing the site highlighted in yellow overlaid on an aerial photograph. Mr. Lam identified the property as containing three separate lots: lot 42, containing the existing Costco building, lot 36, which presently contains an existing gym, and lot 38, containing parking and the existing gas station. Mr. Lam testified that the applicant is seeking to demolish the gym on lot 36, and relocate the existing fueling station to that lot, closer to Bridewell Place and Main Street. Mr. Lam stated that this will make the site more efficient, as it is currently in front of the building and adjacent to the main entrance drive. The gym property was available for purchase, so Costco bought it and is taking this opportunity to improve the site. Mr. Lam then introduced an overall site plan layout, the same as sheet C-301 in the plans, overlaid on the aerial photograph and colorized, which was then marked as Exhibit A-2. Mr. Lam testified that the gas station property will be separated from the main retail store lot to provide maximum parking. The Costco building will remain untouched. A new entrance driveway will be added from Main Avenue, which was planned in consultation with Passaic County. Mr. Lam then introduced Exhibit A-3, another site plan colorized overlaid on the aerial photo, zoomed in on the driveway and parking lot, similar to A-2, showing the configuration more clearly.

Mr. Lam then stated that the only new bulk variance requested is for the minimum front yard setback for an accessory structure for the proposed gas canopy, where 60' is required, 42.4' presently exists, and 54.2' proposed. Mr. Lam stated that the canopy will be replaced with a new one of the same size as what's there today; the height clearance will be 14.5', which is taller than typical. 712 parking spaces are proposed, increase of 93 parking spaces over existing conditions. A variance is required for parking spaces in the front yard. Regarding loading, the store size is not changing; they are required to have 15 loading bays, they currently have 4, no changes, no impacts to existing; a variance is also required for the loading bay width, where 12 feet is required and 11.8 is existing and proposed. Mr. Lam stated this is due to the existing striping, and the site operates fine as-is.

Mr. Lam described the kiosk and the layout of the proposed new fueling station; a bathroom will be provided in the kiosk for the attendants. Store operations will be unchanged. Mr. Lam described the new fueling station, which will contain 12 pumps and two underground tanks, the canopy, and the attendant kiosk with restroom.

Mr. Lam testified that the project complies with the DEP Stormwater requirements. Mr. Lam described the changes to the stormwater management plan; they are proposing an increase of 0.45 acres in treatment area. The stormwater management has been engineered to handle the increase in coverage. Overall impervious is being reduced but they are proposing more drywells to increase the stormwater treatment, which exceeds the additional treatment area. Regarding landscaping, Mr. Lam testified that it complies with the Ordinance; 69 trees will be removed, 70 will be replaced. Regarding lighting, Mr. Lam described the proposed LED light fixtures: 33 new LED lights will be added to the canopy; 16 pole lights will be added, mounting height will be 38', same as the other pole-mounted lights existing. Gas canopy lights will be flush with the bottom of the canopy. Lighting will be uniform and contained on site.

With regard to signage, Mr. Lam testified that there are presently four signs on the

existing canopy; four signs are proposed on the new canopy, which will comply with the zoning requirements. No price sign for the gas station visible from the street; the price will only be visible once the customers come to the gas station; will not draw customers who are not already going to the Costco. Costco's policy is not to draw new customers to the store with the gas station.

Mr. Lam then identified the outside agency approvals required: NJDEP permitting is not required for this application, aside from an administrative approval for soil disturbance, which will be obtained prior to starting construction. HEPSCD certification was received in April; Passaic County Planning Board approval is pending. They are working to address outstanding comments.

Mr. Lam then addressed the site circulation; customers will enter from Bridewell and Main, right only exit done at the recommendation of the County. At the request of Chairman Zecchino, Mr. Lam demonstrated how the site circulation will work: customers will enter the site via the new entrance from Main Ave., head in an easterly direction to the gas station, then make a 90-degree turn left into one of six queue lanes; exit movement is a one-way circulation out to Bridewell Place, which is a dead-end street, so no real reason to go left unless they are heading to the Costco, but motorists will have the option to go left or right from Bridewell to Main, just as they do now. Costco has long fuel hoses so any lane can be used for fueling, makes the gas station more efficient. Chairman Zecchino suggested that the site circulation might work better if the pumps and queue lines were flipped so that exiting was not to Bridewell, which is a problem traffic-wise. Mr. Lam noted that the egress proposed from the canopy would allow for customers to go right or left to exit back up to Main. Chair noted that the one-way in and one-way out makes the site very difficult to navigate. Chairman Zecchino noted that all traffic to/from the site is presently via Bridewell, which is a problem, the traffic is very heavy. Ms. Mazawey stated that the traffic engineer will address these circulations in greater detail.

Addressing the reports of the Board's professionals, Mr. Lam confirmed that the applicant will comply with the recommendations contained in the reports. He clarified that there are no DEP permits required aside from the administrative land disturbance permit, which will be provided prior to construction.

The Chair then opened the meeting to interested parties:

- James Hobin, 104 Park Ave., was sworn in, and asked about drainage and the topography of the site; the new ingress/egress will be a steep slope to the north; Mr. Hobin said that this looks like it will drain to his property. Mr. Lam responded that the drainage system will contain the runoff on the Costco lot, no drainage to his property. Mr. Hobin asked about the landscaping proposed in this area; Mr. Lam described the plant species proposed.
- Monique Dituri, 137 Williams St., asked to confirm that they are putting in a sidewalk along the front of the property; her students at Clifton High School asked that they continue the sidewalk along the adjacent property, CP's, and also suggested that they flip the gas pumps and the queue aisles.

Ms. Mazawey then called Nick Tose 0902 Penn Place, Alexandria, VA, who testified that

he is the manager of real estate development for Costco's eastern division. Mr. Tose described the purpose of this application as being driven by the members; they are trying to improve the member experience, make the site more efficient and easier for members to use. Make it easier for members to get in and out on the weekends, particularly. This is simply to make the site more efficient, and add parking to the site to make it function better. Anywhere they can pick up parking spaces, they seek to do so. Commissioner Foukas asked about the evolution of this site; he stated that the former owner tried to sell the site to Costco and they never were interested. Foukas also noted that Bridewell Place is a nightmare and suggests modifying the gas pump layout/queuing aisle to take the pressure off Bridewell Place. Mr. Tose responded that Costco didn't intend originally that gas sales would be such a significant part of the member experience, but as gas prices increased, it has become more popular than they could have predicted.

Vice Chair Scorziello asked Mr. Tose to share the goal of the whole project- are they trying to make the gas sales a more significant part of the experience, how does this project enhance the member experience? Mr. Tose responded that this is about the efficiency and the warehouse operations; gas is an ancillary commodity/service for the members. This will also allow for more parking spaces, better circulation, will improve the member experience. Traffic is an issue for all Costco sites; they are seeking to blend the parking and site circulation together to improve and examine how to make the sites work better. Tose stated that the goal for the member experience is to make the gas circulation work better, reduce waiting times, allow members to get in quicker and have a smoother experience. Members are happier the more efficient and better they can make the site work better. Mr. Tose testified that it is about a 50-50 split in terms of whether people get gas first or shop first. He testified that most customers are there to shop also get gas. The traffic engineer will provide more testimony about these statistics. Comr. Foukas asked if there are any warehouses that have the gas stations in another location not adjacent; Mr. Tose said there are a couple, but this is limited by the real estate they have.

Mr. Graviano asked about lot consolidation of the two lots under Costco control; Ms. Mazawey said they will consolidate the two lots owned by Costco. The gas lot is a long-term lease, with 45 years left on the lease; runs through December 31, 2069.

Ms. Mazawey then called traffic engineer John Harter, Atlantic Traffic, 30 Independence Blvd., Warren, NJ, who provided his qualifications and was accepted by the Board as an expert in the field of traffic engineering. He has been working on similar projects for Costco for a number of years. Mr. Harter testified that he has worked on the Clifton Costco site for over 10 years; he recently helped with the improvements made at Bridewell Place to add the double-left hand turn, these have been very successful. Mr. Harter described prior improvements that they have done to make the site operate more efficiently from a traffic standpoint. They optimized and coordinated the traffic lights in 2015, but DOT recently changed the signal timing on Route 3 so Bridewell Place is out of sync.

Mr. Harter then testified regarding the improvements that the proposed project will bring. The current prototype for fueling is 24 pumps, this has evolved over time; this is an older site. Instead of the 8 original pumps, they will increase it to 12. Due to the spacing of the dispensers, all movements will be forward; no backing up like in a traditional fuel station. They have a signal system that indicates to customers when the pumps are available. All of these factors go

towards improving the circulation and making it more efficient. Addressing the direction of flow as suggested by the Chair (south to north), the traffic counts indicate that most customers want to make the double left off Bridewell; this layout gets the customers closer to the location where the traffic mostly wants to go. The layout provides for more queuing lanes and will keep traffic from backing up into the ROW. This layout will also allow for the trucks to stay off Main Ave. County has issued comments that they can work through and comply with.

Mr. Harter testified that they are providing more parking spaces and moving the fuel station away from the parking area. More spaces will allow customers to find parking faster and cut down on people circling around the lot looking for spaces. Addressing trip generation, Costco has its own data; ITE manual doesn't address gas stations at discount clubs. They are providing more fueling capacity than their data indicates that the gas station will generate. Today, traffic tends to just come for warehouse shopping but the difficulty in navigating the site precludes fueling as well. They expect the improvements will increase the efficiency of the trips and customers will stop for both.

Commissioner Molner: you said the county approved the left turn in from Main Ave? Will that be a marked left turn lane? County will put in a left turn lane. Costco will put in a raised island to restrict the exit from the new driveway from making a left on to Main. Cmr. Foukas- left in is permitted, no left turn out. Cmr. Braid- would you be open to eliminating the right turn from Bridewell to Main now that you have the second egress? Mr. Harter- says no they don't want traffic from other uses interfering with their site circulation and they want to maintain all capacity that they presently have. In response to a question regarding the shortening of the queue capacity, Mr. Harter described how moving the fueling station will affect the traffic flow. The double left from Bridewell to Main will be improved by the signal timing and the new driveway to the north. Cmr. Braid expressed concerns; Harter emphasized that the new driveway to the north will take the pressure off Bridewell.

The Chair then opened the hearing to interested parties:

- Deborah Demario Ocot, 145-146 Williams Ave., asked a question about the new right turn, noted that that will impact the quality of life on Williams, turnover is a big thing for Costco- where are the customers going to go when they make the right turn? Do you have an idea where the customers are going? Customers are eager to exit the Costco, they make illegal turns on Main Ave., they turn into the other businesses, they come down Williams St, a very small one-way, turn around, looking for shortcuts to get back to Route 3. Costco has had a huge impact on their quality of life, the traffic enrages people, they have a road rage issue. Mr. Harter responds that they did traffic counts, once they introduce the new driveway, he expects a negligible amount of additional right turns. What they are doing now will not add more volume to the areas that she is concerned with. Costco has done a lot to improve the site and surrounding traffic flows. The double left installed and the signal timing being improved will improve existing conditions. Harter described the traffic counts and said that 40-50% of the new volume is expected to use the new right. Discussion re: traffic counts; Mr. Harter testified that he went above and beyond the ITE trip generations.
- Dawn Johnson 119 Williams street; stated she is a long-term resident, there are constant

illegal turns onto Williams Street and other sites. Traffic on Williams Street is out of control; they want speed bumps and rumble strips, the City will not do this. They have traffic flying down the block; this will make it so much worse.

- Monique Dituri, 137 Williams St., raised the following questions:
 - Right now in the mornings on Bridewell, there are a lot of trucks staged there, will this new traffic pattern help that pattern? Mr. Harter replied that the new ingress driveway will alleviate this and force the trucks to navigate the site perimeter and will back into the loading docks and eliminate the staging on Bridewell. Mr. Harter notes that they didn't study this area specifically but confirms that the staging will change once the new driveway is constructed.
 - Why don't you want people turning left onto the new driveway? Mr. Harter: the County wants a controlled left.
 - Are you going to place signage that will alert people that they cannot turn left on that approach? Mr. Harter: County dictates the signage; it is regulatory signage, they try to use the same signage on the site. Mr. Harter says that the Costco is a members-only club, so patrons will become familiar with the signage and the egress/ingress points very quickly.
- Megan Beltran, 116 Williams Street, asked a question regarding the signal timing on Bridewell Place, stating that this is really causing a problem/backup. Mr. Harter stated that the change to the signal timing is independent of this application, but they are working with the county on this; they hope to implement these changes by the end of the year.

Cmr. Foukas- if you are pulling out of the Costco onto Main, more than 80% of people want to go left; Harter notes that the signal timing on Main Ave. is very atypical; there are a number of lights close together. Double left at Bridewell, this is a new condition; put in within the last 4-6 months. Signal timing from Bridewell to Main Ave., another new condition, expected within the next few months; another new condition that will improve things.

Cmr. Molner- suggests adding directional signage within the site driveways to identify the right turn only from the driveway to Main Ave. Mr. Harter agrees.

Ms. Mazawey then called Planner Justin Auciello, PP, 125 Half Mile Rd., Red Bank, NJ. Mr. Auciello provided the Board with his qualifications, which were accepted by the Board as an expert in the field of professional planning. Mr. Auciello testified regarding the variances requested, as follows. Addressing the review letter dated 5/21/24 prepared by Mr. Graviano, Mr. A testified that the variances are (1) a D(1) use variance for the retail use in the M-1 zone; This board granted a use variance for the Costco in 1991; the retail use was not permitted in the M-1 zone. This is a use variance (D1): must address the site suitability and the purposes of zoning (positive criteria); negative criteria- are these impacts substantial. Reconcile any impacts.

Addressing the positive criteria, Mr. Auciello testified as to what makes this site particularly suitable for the proposed use: this Board granted the original use variance in 1991, amended in 2011, 2016. What makes this different is that there are no changes to the retail use, but the variance is needed because the variances were already granted. Site has been there for a

long time. These improvements are going to make the site function better and will continue to make the site particularly suited. Mr. Auciello testified that the following purposes of zoning are advanced by this application:

- Criteria A of MLUL- substantial improvements on the site, circulation improvements, additional access point, addition of Lot 36, extensive landscaping. All of these items will make the site safer, make the traffic function better; and will improve circulation.
- Criteria G: sufficient space in a variety of locations; the new lot provides more space.
- Criteria H: free flow of traffic; these improvements will make the site function better from a traffic standpoint.
- Criteria I: enhancement of landscaping, relocation of the gas area, will promote a desirable visual environment
- Criteria M: the site will be more efficient as proposed.

Addressing the negative criteria, Mr. Auciello testified that there will be no substantial detriment to public good or substantial impairment to the zone plan or zoning ordinance, as the proposed improvements will only enhance the site. There will be no impairment to master plan, as this proposal advances goals relating to tax base, jobs, enhancement of site.

Mr. Auciello then testified regarding the D3 conditional use variance for the relocated gas station, noting that the question is will the site remain appropriate for the conditional use despite the failure to conform to all of the ordinance requirements. Here, is the site appropriate for the gas station despite the fact that it is within 1000 feet of the public park? Mr. Auciello responded in the affirmative: the circulation will be improved and the site will remain appropriate despite the failure to conform to all requirements; the site already contains a gas station and this will only improve the circulation, efficiency, and safety. Similar positive and negative criteria as D1 use variance as previously testified.

Addressing the bulk variances, Mr. Auciello testified as follows:

- Off street parking in the front yard: this exists already; the additional parking will be a benefit, justifies the grant of the variance
- Loading spaces- similar existing conditions not affected by this application. (dimensions and number)
- Accessory buildings not to be within 60' of the front yard line where 54' is proposed, and 42.4' presently exists; this is an existing nonconforming condition being improved as a result of this application.
- A 40' buffer between the site and the adjacent residential zones is required, where less than 40' is existing and proposed; again, this is an existing condition, not being changed.
- Mr. Auciello testified that all of these bulk variances for existing conditions or improvements thereof fall under the C2 criteria, whereby the benefits of the proposed improvements to the site and the circulation outweigh any detriments.

Mr. Graviano has no comments.

No further questions from the Board.

The Chair then opened the hearing to interested parties; no questions were asked of the planner.

Ms. Mazawey says the architect is available to answer any questions; Mr. Graviano advised that he has no questions for the architect.

Chairman Zecchino then invited the interested parties to give their closing statements:

- Ms. Deborah Demario Ocot, 136, 143, 145 William St.: Ms. Ocot stated that she appreciates the studies and surrounding area considerations; she says that these studies were not all done at the busiest times. She says that Costco has had a huge impact on the lives of the residents in this area, so many lights and improvements made to accommodate Costco. Pushing fueling bays, new improvements, all of these items will increase traffic and make it more difficult for residents. The traffic studies were only done during a few times of the year; holidays are atrocious, not just winter holidays, but people are at Costco all the time for holidays. Her issue is really just the additional right turn from Main Avenue, which is really going to affect the quality of life in that neighborhood, asking the Board to deny the new right turn from Main Ave.
- Manoj Rana, 413 Highland Avenue, speaking on behalf of his cousin who lives on Williams Street but could not be there. He disagrees with building the gas station, moving it closer to their property; noise from traffic, cleaning sweeper, very disruptive and stressful. He is concerned about his child, who lives with a chronic disease, and expresses concerns about the health impacts of living closer to the gas station.
- Dawn Johnson, 121 & 115 Williams St: Their backyards back up to the NY Sports Club, this proposal to make this area the parking lot, will bring the lights closer to their yard. The back yards will look out to the gas station. They get sewage from Costco; they've called the fire dept. Maybe Costco can do something with the park and give back to the community.
- Mary Hansberg, 114 Williams St., concerned about the right turn to Main Ave. so many of those cars coming out of Costco will come down Williams St. to avoid that traffic light. She is concerned about what the additional traffic will do to the value of properties on Williams Street.
- Megan Beltran: reiterates what her neighbors have stated and asks the board to strongly consider denying the right-hand turn. Quality of life has already been impacted.

Chairman Zecchino then closed the public portion and invited Ms. Mazawey to make her closing statement. Ms. Mazawey: thanks everyone for coming out, and states that, overall, this is a real improvement to the site; they are removing a commercial operation (the NY Sports Club) and not replacing it with a new separate use; instead they are modernizing the existing Costco site, improving traffic flow, removing trucks serving Costco from making the right on Bridewell and forcing them to use the new access driveway will improve the neighborhood. Costco is working to make these traffic improvements along this whole area. Site will bring in new EV charging stations at the site. Relocation of the gas area will be an improvement to members and site circulation. They agreed to comply with the engineer's letter and keep all lighting off the neighboring properties. Overall this is a huge improvement.

Chairman Zecchino advises the Board that Passaic County has jurisdictional authority

over the right turn only onto Main Ave.; the Board does not have authority over this proposed condition. Cmr. Eramo noted the residents' concerns and requested that the Applicant to address any screening/landscaping from the residential properties to the new driveway and parking area; Chair asks Mr. Lam to provide the dimensions, which Mr. Lam describes as 30' of green space, evergreens, will help the neighbors to the rear and provide a year-round screen to the proposed gas station.

Vice Chair Scorziello stated that the right turn is the purview of Passaic County, but notes that there has been some improvements to traffic along Main Avenue over the past few years; he further recommended that Costco work with the neighbors to made some improvements to Weinbrock Field, although the Board cannot make that a condition of approval, he would strongly encourage it as a neighborly thing to do, and, based on the testimony we've heard, makes a motion to approve the application, subject to compliance with the reports provided by the Board's professionals. Cmr. Foukas asks if the park improvements can be made a condition of the approval; Mr. Graviano recommends against it. Commissioner Molner seconds the motion. Ms. Sweet takes a roll call vote of all members present:

- Commissioner Braid states that overall this is an improvement to the site, and recommends that it would be a nice gesture of goodwill for Costco to improve the park, and votes yes.
- Commissioner Eramo states that she seconds everything Mr. Braid said, and offers that Costco probably has some community funds that they can offer to improve the park, notes that the proposed application will be an improvement to the site, and votes yes.
- Commissioner O'Connor concurs with what the other Board members said and states that this is a wonderful opportunity for Costco to open up to the community and make improvements to the park, and votes yes.
- Commissioner Molner believes this is a great improvement to the traffic pattern, noting that there is an additional 40' of road space between the neighbors and the EV spaces, which provides an additional benefit. He states further that key to this project is improving the signal timing on Main Avenue, and votes yes.
- Commissioner Foukas states that the benefits outweigh the detriments, this is a very busy site and they are making improvements to existing conditions, and votes yes.
- Vice Chairman Scorziello states that he agrees with his fellow Board members, and says although it is certainly not a condition, it seems like it would be a nice gesture to have some discussions with the neighbors or the Clifton Rec Department about improvements to the park, and votes yes.
- Chairman Zecchino states this is definitely an improvement to the site, and would love to see a good neighbor policy where Costco would offer to make some improvements to the park as well, and votes yes.

The motion carries, the application is approved.

There being no further business before the Board, Cmr. Foukas makes a motion to adjourn the meeting; Cmr. Braid seconds the motion, with the unanimous vote of all members present, the meeting is adjourned at 9:02 p.m.

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