

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
July 31, 2024
7:00 P.M. SPECIAL MEETING

COMMISSIONERS PRESENT:

AVARHAM EISENMANN (1A)
ALESSIA ERAMO
MAUREEN O'CONNOR
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO
CHAIRMAN ZECCHINO

ALSO PRESENT:

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

Chairman Zecchino called the Meeting to Order at 7:05 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 July 19, 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

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

Meryl Gonchar, Esq., Sills, Cummis & Gross, appeared on behalf of the applicant, provided an opening statement summarizing the proposed project, the subject property and the relief sought. The proposed project will involve the adaptive reuse of a portion of the existing building onsite and conversion to a charter school, to be operated by iLearn Schools, which currently operates Passaic Arts & Science High School.

Ms. Gonchar called her first witness, Dr. Nihat Guvercin, CEO of iLearn Schools, who provided his qualifications as an expert in the field of educational administration; Ms. Gonchar noted that Dr. Guvercin will provide both fact and expert witness testimony with regard to the operation of the proposed charter school. The Board accepted Dr. Guvercin's qualifications as an expert in the field of education administration. Dr. Guvercin testified regarding the operation of a charter school, stating that it is basically just an alternative to traditional education; they serve students free of charge and do not discriminate in their admissions standards. Dr. Guvercin stated that charter schools are public schools overseen by the State. Dr. Guvercin stated that they already have a Passaic Arts & Science High School in Clifton which is currently servicing 8th-9th

grade students; this facility has limited options. They are seeking to construct this new facility to expand the number of students that they can serve and to improve their educational offerings. Dr. Guvercin then testified regarding the proposed school, which will start with 100 9th grade students in its first year; each year they will add a grade, until the school is 9th-12th grade and serving 400 students. The school day will be 7:45 am to 3 pm; with a number of students staying after school. Dr. Guvercin described the proposed athletic field as for the use of students but not for athletic competitions. Deliveries of food will occur daily; they will control the delivery times and frequency. Addressing garbage pickup, Dr. Guvercin testified that pickup will be approximately twice a week. Dr. Guvercin testified that the school will provide some services to students during the summertime. Dr. Guvercin testified that the school will serve 400 students with 60 staff members. Depending on the programs offered, Dr. Guvercin anticipates 50 students served by 7-10 staff members. During the summer they anticipate providing academic support to students as needed, but unlikely to involve much activity on the athletic fields.

Board Planner Graviano asked about the relationship between this school and the iLearn school at Mt. Prospect Avenue. Dr. Guvercin testified that this would be another location, Mt. Prospect Avenue is a school serving primary school students. This would be the location of the high school. Cmr. Eisenmann asked if they have another high school; Dr. Guvercin testified that this would be their first high school, which will start with 9th grade. Dr. Guvercin further testified that they operate on a traditional school year schedule, starting in late August, a week before Labor Day and ending in early June; they follow most traditional holidays. Vice Chair Scorziello asked Dr. Guvercin to clarify the programs provided for disabled students, and also to address busing. Dr. Guvercin testified that they will provide four buses for students; some will drive themselves; some will be dropped off by parents. Vice Chair Scorziello questioned how many days the school will operate, stating it sounds like more than 180 days a year.

Commissioner O'Connor asked where the students come from; Dr. Guvercin stated that the application process is primarily targeted to Clifton students. Cmr. O'Connor asked if they will rent out the athletic facilities; Dr. Guvercin said no. Vice Chair Scorziello asked if they would agree to stipulations/conditions of an approval that they would not rent out the facilities to other groups and if they would agree to limits on students in the summer; Dr. Guvercin agreed but Ms. Gonchar noted that the applicant cannot agree to limit the number of students during the summer if it would run afoul of the school's obligations to provide services to students under DOE regulations.

The Chair then opened the floor to interested parties:

Glen Bedford, 23 Lewis Drive: asked what the athletic field will be used for; Dr. Guvercin stated that it is for gym class for the students, as they are required to provide Physical Education. Is it used for band practice? No, they do not have a marching band. Are you going to keep your school buses on the property when not in use? No, all buses will be kept offsite.

Omar Roman, stated that no one has talked about what happens at the end of the day. He noted that the streets are narrow and if a bus comes down the street, there will not be room for additional cars to pass. Ms. Gonchar advised that other witnesses will address this issue.

Ms. Gonchar then called her second witness, site engineer Matthew Zwingraf, who

provided an Exhibit, marked as **A-1**, which he described as a rendered aerial photograph with the proposed site plan overlaid. Describing the site, Mr. Zwingraf testified that the site presently consists of two lots, one with a vacant single-family residence and the other with a dilapidated industrial facility. With the exception of a portion of the existing industrial facility along Hazel Street, all structures will be demolished. Addressing the Building height, Mr. Zwingraf testified that they recalculated the height as an existing height of 46.4' and the new gym will be 45.8'. The existing building height is nonconforming but they are building an addition. Mr. Zwingraf testified that the proposed athletic field is irregularly sized, it is not close to regulation size for any athletic field. It will be used for gym class only, no organized sports. There will be stormwater management structures beneath the field; field will be turf. There will be some lighting but nothing like a nighttime field lighting for games. The site lighting will have house-side shields; it will be LED lighting on timers, so they can reduce the intensity of lighting. All lighting requirements of the City Ordinance will be complied with.

Addressing parking, Mr. Zwingraf testified that they are providing 90 parking spaces, in excess of the ordinance requirement. Parking spaces will be 9' x 19'; bike racks will be provided. They will comply with the Board Engineer's letter regarding parking. The parking lot from West Fourth St. will be for students; the parking under the gym will be used by teachers and visitors. They are proposing a 6' tall fence around the site for security. As far as deliveries, the site has been designed to accommodate SE-30 trucks, refrigerated box trucks. The applicant will comply with the fire department memo and the site will accommodate the fire truck circulation. As far as the bus drop off, they are proposing a bus drop off lane on Seventh Ave. Circulation will be from West Third to Seventh Ave, then go down West Fourth St. to exit. Bus drop off will be from Seventh Avenue; buses will not enter onto the site. They anticipate that the interior of the site will be for parent drop-off and proposed to keep the bus drop off on Seventh Avenue. Board members raised questions about the site circulation; Ms. Gonchar suggested that some of these questions would be better addressed by the traffic engineer. Cmr. Eramo asked how many school buses would be staged on 7th Ave; Mr. Zwingraf stated that it can accommodate four buses; those would not be parked overnight; they will unload for several minutes, then leave.

Addressing questions raised by the Chair regarding the building placement and the street trees/landscaping, Ms. Gonchar clarified that they are repurposing the existing building and Mr. Zwingraf stated that they are maintaining nearly all the street trees along Seventh Avenue. Commissioner Eramo asked about parking; they are proposing 10-15 visitor spaces; with 100 seniors, wouldn't there be more than 20 students driving to school? Mr. Zwingraf stated that the 20 spaces for students is a city ordinance requirement. Ms. Eramo asked about the contamination at the site and was it detected in the area of the athletic field. Mr. Zwingraf testified that the AOCs identified in the RAWP are not precisely located; Ms. Gonchar noted that the remediation of the facility will be undertaken in accordance with applicable State regulations. Cmr. Foukas noted that there may be a problem with students parking on the adjacent streets; Ms. Gonchar again noted that the school has the ability to control how many students are given permits to park onsite. Cmr. Eisenmann asked to clarify the portions of the building that are being maintained; Mr. Zwingraf stated that the three-story portion of the building along Hazel Street will be maintained but the remainder will be demolished. In response to a question from Mr. Graviano regarding the parking lot landscaping, Mr. Zwingraf testified that additional landscaping will be added and is shown on A-1. Mr. Graviano stated that the bus loading area could be used to provide additional landscaping; the applicant needs to explore containing the bus loading on site.

Chair Zecchino asked for further clarification on the extent of the building being reused; Mr. Zwingraf testified that the white “existing 3-story structure” shown on Exhibit A-1 is the portion of the building being reused. Mr. Graviano further clarified that they are proposing to add a large addition to the middle section of the building, so there’s a substantial addition. Mr. Kurus stated that they need to put more thought into the student drop off area; it needs to be brought closer to the front door to avoid conflicts with parents dropping off. Mr. Kurus further noted numerous discrepancies between the filed site plan and Exhibit A-1.

Cmr. Eisenmann asked about the highest point of the existing building is 46’4”; new gym will have a height of 45’ 8”. Mr. Graviano clarified that there will be an addition to the existing building to raise the full height to be three stories.

The Chair then opened the floor to interested parties:

Glenn Bedford: noted that the height of the building is going to be increased, this will be a big impact to the neighborhood. Will the property be totally fenced it? Yes, it will be locked and closed to public access when school is not in session.

Mr. Zwingraf then testified that the applicant will comply with the comments contained in the Neglia report.

Ms. Gonchar then called architect Nassir Almukhtar, RA. Mr. Almukhtar provided a summary of his qualifications, which were accepted by the Board as an expert in the field of architecture. Mr. Almukhtar handed out an exhibit of revised architectural plans consisting of 8 sheets, bearing a latest revision date of July 30, 2024, which was marked as **Exhibit A-2**. Mr. Almukhtar testified that there is an existing structure on the site fronting on Hazel Street, a portion of which is 2 ½ stories, a portion of which is 3 stories. The 2 ½ story portion will be increased to match the height of the 3-story portion. The height will be increased over existing to make the entire structure a three-story building. In response to questions from the Board Chair, Mr. Almukhtar stated that they are proposing to add the third floor to gain more space. Testifying in relation to Exhibit A-2, Mr. Almukhtar stated that the first floor will be mostly gutted; the building will be upgraded to be ADA-accessible; an elevator will be provided. A small addition is proposed to the first floor, an entrance vestibule. There will be 5 classrooms, offices, restrooms, a cafeteria and kitchen on the first floor. The proposed second floor will include a 10,000-square-foot addition for a gym; the westerly portion of the existing structure will be classrooms and a lab. There will be offices. The gym will include boys and girls locker rooms, a stage, and a regulation high school basketball court. The third floor will contain additional classrooms, a teachers lounge, and will be mostly open to the gym below, as the gym requires a two-story ceiling height. The building will be fully compliant with the rehab subcode and all fire safety and building code requirements applicable to schools.

Mr. Almukhtar then provided a package of color renderings, which was marked as **Exhibit A-3**. Mr. Almukhtar testified that the proposed building finish is intended to be colorful and modern, appealing to students. Testifying in regard to A-3, Mr. Almukhtar stated that this better shows the portions that are being removed, added, and maintained. Mr. Almukhtar stated that the view from West Third Street will show the addition. Variances required from sign ordinance are shown on the sign schedule on Sheet T-100. Commissioner Foukas stated that he

does not believe the proposed building is aesthetically pleasing. Mr. Graviano provided his opinion that the brick portion of the building should be maintained and the gym addition should be more respectful of the neighbors. In response to a question from Mr. Kurus, Mr. Almukhatar stated that the clearance under the gym portion will be 10 feet. Mr. Almukhatar stated that they have not had a structural engineer evaluate the existing building but it appears to be in good shape. They will evaluate it after approval; if any sections need to be replaced, they will replace them. In response to a question from the Board, Mr. Almukhatar stated that there will be a total of 27 classrooms in the building, with two labs. Mr. Almukhatar then provided a rendering showing an alternate treatment of the building, stating that the applicant had originally wanted the modern treatment. The alternate treatment is depicted in a series of renderings marked as **Exhibit A-4**, which provides a building treatment showing the maintenance of the existing brick. This alternative treatment, if preferable to the Board, would be carried through the gym and other additional facilities. Mr. Graviano commented that this alternative treatment is more like what he was recommending. Vice Chair Scorziello questioned if there are any other schools in Clifton that are directly on the property line and if there's a reason why they are typically set back from the property line. Mr. Almukhatar stated that the setback is due to the reuse of the existing building.

Commissioner Eisenmann asked about the security issues that might be implicated by the windows on Hazel Street; these are right on the property line. Mr. Almukhatar stated that the windows will be double-paned safety glass, but no need to make them bullet proof.

Ms. Gonchar then called her next witness, traffic engineer Matthew Seckler, who provided his qualifications, which were accepted by the Board in the field of traffic engineering. Mr. Seckler testified that he prepared a traffic impact assessment dated April 2024, analyzing when the traffic peaks on adjacent roads and for the school during the a.m. peak hour, as well as the school peak hour at 2:45-3:30 p.m. He also provided traffic counts in the morning peak hour; this is a site that will be served by four buses (carrying about 50% of the students); parent drop-off, and students driving. Mr. Seckler testified that there will be traffic congestion in the area during the morning and afternoon but it will not last very long. Mr. Seckler first testified that they will be widening Seventh Avenue. The average bus drop off time is 3 minutes. There will be three buses in the afternoon, with one coming later to bring students home after activities. Students leaving or getting into the site by bus will be able to cross in a crosswalk along the northern and southern sides of the site. Site circulation will be one-way, north to south, entering through West Third to Seventh Avenue, exiting to West Fourth Street, to discourage two-way traffic on Seventh. Based on their other sites, the student parking is adequate. Interior to the site is sufficient parking for all the staff and visitors. From a traffic operations perspective, they believe it is easier for the buses to drop off to the sidewalk on Seventh and then the parents will be dropping off on the interior lane. Chair: no way to figure out how to get the buses on the property? Mr. Seckler: either way you're going to have interactions between the parents and the buses, but he believes it's better to have the students drop off to the sidewalk. To accommodate buses on site, they would have to redesign the parking lot, losing parking spaces and landscaping. At all of iLearn's other high school facilities, they have security personnel on site to direct the children to the school. If they were not widening Seventh Avenue by 8', there would be a major problem, but the additional 8' of pavement will accommodate the buses and not block traffic. In response to a question from Commissioner Eramo, Mr. Seckler stated that the bus drop off will not require drivers to stop/yield to the buses. No parking on the street in front of the

school. Mr. Seckler noted that he visited School 4 in Clifton and it does have a 0' lot line setback. The level of service will go from a C to a D, but only for a very limited time.

Vice Chair Scorziello- is there more congestion during drop off or pick up; Mr. Seckler— morning is worse because high school students are doing more after school activities; afternoon pick up is more spread out. For this site, the morning will be worse. VC Scorziello- if they need to add a 5th or 6th bus, how will that impact things? Mr. Seckler- bus drop off only takes 1-3 minutes; once they unload, they leave, so they could accommodate additional buses due to the quick unloading time. In response to questions from Mr. Eisenmann, Mr. Seckler testified that the buses are much larger than the other trucks that the site was designed to accommodate. There will be no parking along Seventh in front of the site. Mr. Kurus: how many spaces are you overparked? 16 spaces. How many spaces would you need to lose to accommodate buses onsite? Could this be looked at? Mr. Seckler- the issue becomes the student area, turning radii. If they lost 14 spaces, could they rework the site to accommodate buses, yes, but he'd rather have more onsite parking because any excess will spill out into the neighborhood and impact the neighbors. Chair Zecchino suggests that they revise to address the onsite bus parking.

Mr. Graviano- it would be prudent to address these issues and give the professionals more time to vet the modifications that were proposed before the Board this evening. Mr. Seckler reiterated that he believes it is prudent to keep the bus parking separate from the parent drop off, and that this is the best design. Mr. Kurus: it would be less impact to the surrounding streets if you accommodate the bus parking on your site rather than off.

The Chair then opened the floor to Interested Parties:

Omar Robinson, 259 Hazel Street: a school bus is a wide radius and will have a tough time making that right on West Third. When it snows in this neighborhood, the City does not do a good job of cleaning this area; you are not going to get a bus down 4th to Main Avenue. Parents will come the opposite way to pick their kids up. How are you going to deal with all those things? Four buses is not enough for 400 kids. Where are they going to park? Mr. Seckler: the four buses are carrying about 54% of the students; students living within 1-2 miles of the site will have to provide their own transportation. Entering the site, if there's snow, school will be delayed or cancelled. The right turn for a bus entering the site and then lining up is more difficult than having them line up on Seventh Street. School buses are 7.5'-9' wide; it will make it very difficult for neighbors to drive around these buses on the narrow streets. There is onstreet parking on both sides of the street in this area; presents potential for conflicts.

Glen Bedford: provides additional scenarios regarding school pickup/drop off in Clifton. Parents dropping off kids will create conflicts as they look for alternative routes to drop off/pick up.

Cmr. Eisenmann- raises additional questions about the traffic impacts from the busing exits. Mr. Bedford- no crosswalks on Hazel Street in this area. Mr. Seckler- we may need to install additional signage to better direct pedestrians; reiterates that the bus impacts are only 8 times a day. Cmr. Eisenmann replies that these are the peak times when people are trying to go to work and return home; these streets are narrow and there's significant potential for conflicts. Chair Zecchino says to revise the site circulation, meet with the Board's professionals.

Ms. Gonchar asked for a five-minute recess; the application will be carried to August 14, 2024 for scheduling purposes, and a new date will be provided at the August 14 regular meeting. A new date will be provided at the August 14 meeting without the need for further notice.

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner Eramo, with the unanimous approval of all Board members present, the meeting was adjourned at 9:57 p.m.:

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