

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
September 4, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (2A)
DAVID BRAID
ALESSIA ERAMO
MAUREEN O'CONNOR
MICHAEL MOLNER
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO
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 7:04 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 rescheduled Regular Meeting date was published in the Record and Herald News on June 30, 2024. 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. NEW HOPE SCHOOL

Chairman Zecchino announced that the application will be continued to September 18, 2024, with no further notice.

2. TFJ HAZEL LLC

Chairman Zecchino announced that the application will be continued at a special meeting scheduled for September 23, 2024, with no further notice.

3. AMEER SIGNS 1240 Main Ave., Bl. 11.16, Lot 2; Zone: BC

Chairman Zecchino announced that the application will be carried to October 23, 2024, at the Applicant's request, with no further notice.

4. **SHERIF HABIB**, 27 Sixth Ave., Bl. 16.16; Lot 17, Zone: R-B1
Chairman Zecchino announced that the application will be carried to October 9, 2024, at the Applicant's request, with no further notice.
5. **GEELAND, LLC 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2**
Continued from 2/7/24 (all eligible except Eisenman); 5/1/24 (all eligible except Braid); 6/19/24 (all eligible); and 7/17/24 (all eligible except Eisenman)

Attorney Michael Sullivan entered his appearance on the record; he identified the property which is the subject of the application and the relief sought. Mr. Sullivan stated that the plans have been substantially revised, in response to comments made by the Board and the public. They have reduced the height of the proposed building, now the building is only 2 stories above grade. The D6 height variance has been eliminated; the new proposed building height as shown on the revised plans is 25.8 feet. Mr. Sullivan provided an addendum summarizing the variance relief required pursuant to the revised plans, dated September 4, 2024, which was marked as Exhibit A-6 in evidence.

Mr. Sullivan then introduced his only witness, site engineer Marc Walker, PE, previously sworn. Mr. Walker testified that revised plans and stormwater calculations have been prepared and were submitted August 23, 2024. Mr. Walker handed out an exhibit package of four color renderings, the first, marked as Exhibit A-7 in evidence, depicts the revised site plan overlaid on an aerial photograph of the site. The second, marked as Exhibit A-8, is an artist's rendering showing the front façade view from Route 46. The third, marked as Exhibit A-9, is an artist's rendering showing the proposed building view from the farm property/southern property line, with proposed landscaping to be installed. The fourth, marked as Exhibit A-10, shows the proposed building view from Broad Street.

Mr. Walker testified regarding the revised plans and stated that the applicant has made changes to the plans in response to the public hearing process. He described the changes as lowering the building to reduce the appearance of the height; the height has been reduced from 39.8 feet down to 25.8 feet, a 14-foot reduction. The building footprint has been reduced. The parking requirement has been reduced. The variance for the parking spaces has been reduced so that it is now 66 spaces required with 18 provided. This is consistent with other self-storage facilities that have been approved in Clifton. Mr. Walker reminded the board that the parking requirement used is for warehouse uses, as the City does not have a self-storage facility parking requirement. Mr. Walker testified regarding the proposed additional landscaping, including a large number of Norway Spruce and grasses, which will provide an effective screen.

Mr. Walker stated that they have addressed the comments in Mr. Graviano's report. He stated that they met with the Clifton Fire Department, which was strongly in favor of emergency access from ramp M. To accommodate the fire department's concerns, DOT agreed to permit emergency access from Ramp M.

Mr. Walker introduced and played a video of a 3D animation showing the proposed view of the building from the farm property, marked as Exhibit A-11.

Mr. Walker then testified to the architectural renderings showing the proposed changes, testifying regarding Exhibit A-8, showing the Route 46 view. A-9 is another view from the farm. A-10 is the view from Broad Street and noted that the visible sign from that angle will not be illuminated.

Mr. Sullivan then addressed the latest report from Neglia Engineering, dated September 3, 2024. Mr. Walker stated that they will comply with all of the comments.

Chair Zecchino asked for clarification as to the changes to the plans, stating that it appears that the building was “sunk” to eliminate the third story. Mr. Walker said this is correct, the point was to reduce the visual appearance of the building. The building height has been reduced to 25.8 feet, which is an average height measurement taken in accordance with the City Zoning Ordinance. Commissioner Molner started concerns about the parking deficiency. Mr. Walker stated that the parking deficiency is calculated based on the warehouse parking requirements, which are not precisely attuned to this proposed use. Mr. Walker stated that the parking needs for this use are nowhere near the parking calculation. Commissioner Molner raised concerns about a proposed new use coming in; Mr. Sullivan stated that any change in use would have to come back before the Board.

Mr. Kurus questioned the revised parking plan, noting that most of the spaces appear to be parallel spaces along the loading areas. Mr. Kurus questioned the width of the drive aisles, stating that they appear to be too narrow, although he stated that he likes the new landscaping. Mr. Kurus said that he doesn’t believe this plan shows 18 usable parking spaces. Mr. Kurus asked for a comparison as to the top of the roof height. Mr. Walker stated that it is the same elevation. Mr. Eisenman asked about the rendering showing full summer foliage; Mr. Walker stated that the architect will address these issues when he testifies at a later date.

Chair then opened the meeting to the public; the following interested parties appeared:

Carl Haefele, 401 Colfax Ave.- They are showing full-growth trees in the rendering; it will take 20 years to get the trees to be this size. Mr. Walker stated that the large trees shown on the rendering are existing trees being saved. Mr. Haefele stated that he disputes the assertion that those are existing trees.

Doris Pharo, 561 Colfax Ave.- raises concerns about the number of trees being removed.

Cynthia Hadjiyannis, Esq., representing City Green. Question about Sheet A-4 of the engineering plans, and asked Mr. Walker to walk her through the changes to the grading shown on the revised plans, and to explain how the existing grading meets the proposed grading on Sheet A-4. “There is a lot of information here that is difficult for a non-engineer to understand. How does the existing grading meet the proposed grading on this plan?” Mr. Walker refers her to the Soil Erosion and Sediment Control Plan- sheet 8 of 14, and Ms. Hadjiyannis asks him to explain. Mr. Walker describes the meaning of the various lines. Ms. Hadjiyannis states that it appears that the entire site is being regraded. Mr. Walker acknowledges this, stating that they would be removing soil from the property, but states that they are saving as many of the trees as possible. Ms. Hadjiyannis asks where the grade is being raised; Mr. Walker states the biggest

change is adjacent to the south side of the building, where the grade is being raised 10'. On the ramp M side, they will have emergency access, so the grade cannot be raised. The south side and the east side will be elevated somewhat. The height of the retaining wall has been changed from 4' to 6' along the access road to the basin. This was done because the grade will be elevated. The stormwater management plan has not changed very much. The City's consulting engineer has not finished reviewing the changes; the DOT is in the process of reviewing the changes as well. Ms. Hadjiyannis asked if this is a similar use to a warehouse; Mr. Walker said this is a much less active use, warehouses can be very active uses. Ms. H asked if a new user came in and there was not sufficient parking, where would it go? Mr. Walker said he couldn't address that.

Mr. Walker stated that the massing of the building has been greatly reduced; in one section there are 3 stories exposed (approximately 17% of the building), but the remainder is only 2 stories.

Keith Bastion (phonetic): asked about the changes in circulation between this and the original plan. Mr. Bastion asked about truck circulation and the type of vehicles; Mr. Walker replied that this is not the type of use that gets large trucks. People come in with pickup trucks and vans because this is a facility for use by individuals. Mr. Bastion asked about the entrance from Route 46; Mr. Walker stated that they are regrading the bank along the 46 entrance to increase visibility and increase the site distance; this will substantially reduce the probability of vehicles turning into the site getting hit by other vehicles. Mr. Sullivan objected to this line of questioning as having been addressed by the traffic engineer. Mr. Bastion questioned the proposed size of the building as too large for the site.

Lisa Ciccone, 68 Martindale Road: questioned the view presented on Exhibit A-10 and stated that it is a false representation. Mr. Sullivan objected to this and asked for it to be deferred to the architect's testimony. Ms. Ciccone questioned the height measurement, how can the elevation be the same as previously proposed? Mr. Walker stated that the site is being regraded, the mass of the building is reduced. Mr. Graviano clarified that the view from the farm property will make this appear as a two-story building because the massing of the building has been reduced. It will now appear to be two stories where it used to be three stories. The majority of the building is now 2 stories except for the part of the building that faces the ramp, which will continue to be 3 stories. Ms. Ciccone questioned the use of Norway Spruce as they are not native; Mr. Walker stated that it was determined that the Norway Spruce would be the most effective screen.

Doris Rascher, 678 Broad St.: Asks a question about the parking deficiency. She states that all other storage units in Clifton are in M zones. Addressing grading, Mr. Walker clarifies that the south side of the building will be 22.5 feet; there will be a lower level and basement level underground. The basement and lower level- 83%- will be underground. Rascher- this will be a steeper slope than what is there now? Walker- water is being directed to the drainage easement on the site; the steeper slope will not impact drainage. The landscaped slope will stabilize the soil to prevent any erosion to the properties on Broad Street.

Margaret Schilling, sworn in: what is the new grade going to be? Mr. Walker: the parking area is flat. There is a 10% slope from the parking lot grade to ramp M. A 1' drop every 10' = 10% slope.

Ann Schnackenburg: (1) complains the cable isn't working; (2) asks what the changes are- grading along the building has been changed. Not the time for this now. Asks questions about traffic; Mr. Sullivan says he's not sure if the traffic engineer will come back.

Vera Lazar: on the revised plan, how many trees will be removed? Walker- 157 will be removed; 91 will be saved. They are required to replace 72 trees, and are providing 81 replacement trees. 85 of the trees to be removed are exempt from the tree replacement ordinance due to their size. Walker- this is a few more trees than previously proposed, and the grading changes require additional trees to be removed. Lazar – how many acres of disturbance? Walker- 2.36 acres to be disturbed; this is slightly more acreage than previously proposed, again due to the grading. She is on the City Environmental Commission; has the applicant provided comments to the Environmental Commission's reports? Walker- most were in the original testimony but the planner will also address.

Commissioner Molner- how much of the grade along the deficient drive aisle is being raised? Mr. Walker states that it is about 4' raise in grade. Molner wants the drive aisle to be widened to 24' as required by ordinance. Mr. Walker says that he can do that but it will expand the disturbance towards the farm. Mr. Graviano suggests shaving the building by 4 feet.

Chairman Zecchino: it's a tough site, you have to make it work, make the building smaller, give us more parking. Pulling out to 46 is unsafe, it's difficult. You just buried the building, it's not smaller; make this work, you hear the concerns of the neighbors. We know they aren't going to build single-family homes, we understand storage is a less intense use, but this site isn't working.

Mr. Sullivan states that October 23 is the first realistic date for them to be ready with revised plans. The application will be carried to October 23, 2024 with no further notice.

NEW HEARINGS

6. UNIFOODS, LLC, 364 East First St., Bl. 5.02, Lot 12; Zone: M2

Alfred Acquaviva, Esq., entered his appearance on the record on behalf of Applicant Unifoods, LLC. He stated that he will provide testimony from Architect Vincente Varela, and potentially from site owner Alejandro Lopez. Both were sworn in. Mr. Acquaviva summarized the variance relief sought, stating that the applicant is seeking variance approval to modify the interior of the building currently used for cheese manufacturing and processing by adding a reception area and also seeks to add a loading dock and trash area. The loading dock area would include a wall to buffer the area from the adjacent neighbor. The applicant is requesting two (2) variances. A variance for maximum lot coverage where 94.1% (8,939 square feet) is the maximum permitted and the applicant proposes 96.6 % (9,175.4 square feet) of coverage, and a minimum side yard setback variance where 4.75 square feet is required, and the applicant is

proposing zero (0) square feet. Site plan is waived by ordinance, so the Board has jurisdiction over this application seeking C variances only.

Mr. Varela provided his qualifications, which were accepted by the Board as an expert in the field of architecture. Mr. Varela described the existing building, there is a U-shaped area at the front of the building, next to the walk-in refrigerator that the applicant is looking to enclose to construct the addition. The addition will be 400 square feet; it will be used for a loading and trash area, for storage of quality control chemicals, and will provide a reception area for the building. The loading dock will not be used very often, mostly for storage of trash. They also want to construct an addition to the side of the building to provide a buffer from the neighbor to the left, which neighbor is a paint manufacturer, to provide quality control and buffer the incompatible adjoining use. The addition will be a long hallway, it will provide a buffer to protect food quality and prevent paint fumes from escaping into the cheese manufacturing facility. This will require a 0' lot line setback to the side yard.

Trash enclosure area at the front will hide the trash cans. The reception area will provide a buffer to the owner's office. Chairman Zecchino asked Mr. Lopez if he spoke with the neighbor about the proposed new hallway/wall and the paint fumes. The existing building has windows and doors along that side; Mr. Lopez stated that the neighbor didn't have any issue with the new wall; he has tried to speak with the City and the County but there's not much that can be done from an environmental standpoint. This wall will be the best way to buffer the uses and increase compatibility.

The Board had no questions. Mr. Acquaviva provided a closing statement asking the Board to approve this minimal expansion, the applicant will comply with the recommendations of the Board's professionals.

Commissioner Foukas made a motion to approve, subject to the stipulation that the applicant comply with the recommendations of the Board's professionals. Cmr. O'Connor seconded the motion. Voting in favor are Cmr. Braid, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

7. 1184 MAIN AVE. CLIFTON LLC, 1184 Main Ave., Bl. 11.21, Lot 1, Zone B-C (Main Avenue Overlay Zone)

Joseph Wenzel, Esq. entered his appearance on the record on behalf of Applicant 1184 Main Ave. Clifton LLC. He stated that he will have three witnesses with the owner available if necessary. Anthony Zampolin, AIA, Thomas Pugsley Jr., PE, and John Taikina, PP, were all sworn. Mr. Wenzel summarized the variance relief sought. Applicant seeks preliminary and final site plan approval to construct a new two (2) story building on the lot for mixed use of commercial (1st floor) and residential (2nd floor) of four one-bedroom apartments. Lot will retain bank/office building and certain parking lot renovations are proposed. The applicant requests the following use variances: mixed use commercial and residential and more than one use per lot (current bank/office building and proposed mixed use building). The applicant requests the following bulk variances: (1) minimum side yard setback of 0 ft. where 5 ft.

is required; (2) no parking within 10 ft. of side lot line where 5 ft. is proposed; and (3) parking of vehicles limited to rear and side yard where parking on Main Avenue frontage is proposed. The bulk variances are driven by the applicant's efforts to provide the requisite number of parking spaces.

Chairman Zecchino noted that this site was previously approved for somewhat similar uses in 2007 but the use had not been commenced and the prior approval expired.

Mr. Pugsley provided his qualifications to the Board, stating that he's a licensed PE with an active license in the State of NJ; his qualifications were accepted by the Board as an expert in the field of site engineering. Mr. Wenzel asked Mr. Pugsley to describe the site conditions; this site is 0.877 acres in size; located on the east side of Main Avenue in the B-C zone/Main Ave. Overlay zone. Surrounding uses are primarily commercial. The site is presently used as a bank/office. 43 parking spaces existing, which do encroach into the 10' side yard setback between Union Avenue and Harding Avenue. Access is provided by 3 points: via Union Avenue, a right out only to Main Avenue, and a full access driveway to/from Harding Ave. Minimal landscaping on property, a few trees and some grass.

Moving on to proposed conditions: the existing building will remain but will be renovated and that will be addressed by the architect. Commissioner Foukas raised a question about the other property owned by the applicants, noting that there is a reciprocal parking agreement for that building (on Harding Ave.) for use of this property. Mr. Wenzel spoke with his clients and they said there is no current agreement for any other party to use this property for parking. The Applicant has no intent to have any other party to use this property for parking. Parking on the site is for the PNC Bank and hopefully the new building. Mr. Graviano asked that the applicant work with his office and the Board Engineer to provide additional landscaping; Mr. Wenzel and Mr. Pugsley agreed.

Mr. Pugsley provided a colored rendering of the site plan, sheet 3, which was marked as A-1 in evidence. He described the proposed improvements as follows: they are going to maintain the 3-story PNC building located in the northwest corner of the site; will remove the drive-up ATM canopy and replace with 2 freestanding ATMs. They are proposing to construct an additional building with medical office on the first floor and four one-bedroom residential apartments on the second floor. This requires a use variance for the mixed use and for two principal uses on one lot. The overall improvements comply with the bulk requirements except for the parking encroachment to Harding and Union Avenues. The new building is set along the frontage of Main Avenue as required by the Overlay regulations, and will be on the Harding Avenue corner, requiring a variance. 54 parking spaces are required; they are proposing 50 spaces 9' x 19' and then providing 2 EV spaces, which meets the 54 parking space requirement. Four ADA spaces are included in this. Chair asks if parking spaces are marked for residents; Mr. Pugsley asked that they don't have to so that they can make those available during the day for the office users during working hours. Chair says he thinks it's better to mark the spaces to ensure that the residents always have spaces. Mr. Pugsley stated that they can so mark the spaces. Mr. Graviano

suggested that there should be one space reserved for each residential unit; Chairman agreed; Mr. Wenzel agreed.

Mr. Pugsley continued that the parking spaces will comply with the 5' setback to Main Avenue. The existing nonconformity will continue as to the spaces along Harding and Union Avenues. Regarding site circulation, Mr. Pugsley said they have agreed to comply with the recommendation of the Neglia report to consolidate the drive aisles to the ATMs, and presented a revised plan showing same, which was marked as Exhibit A-2. Mr. Pugsley testified that they were able to consolidate the ATM drive aisles as requested and testified that the revised circulation shown on A-2 will allow drivers to make appropriate and safe movements through the site. The Main Avenue driveway will be eliminated, which will be a huge improvement, reducing conflicts with vehicles and pedestrians on Main Ave. Ingress/egress to the site will be two-way from Harding and Union.

Deliveries to the site will be small vehicles- UPS/Fed Ex, so no need for a loading zone. Trash enclosure will be masonry as requested by Mr. Graviano's letter. Drainage- site has been designed to match existing patterns, discharge out to Main Avenue. Reduction in impervious coverage, this is considered a minor stormwater application. Lighting design is compliant with the ordinance requirements as well as the NJ ATM lighting standards. Fixtures will be straight down LEDs so glare will be controlled. Area lights will be approximately 20'. Landscaping- 2 shade trees, 7 evergreens, 66 shrubs. Big improvement and enhancement along Main Avenue, which will dress up the Main Avenue frontage. They will work with the professionals to enhance the landscaping. County Planning Board has provided comments to their application, which they are working through now. The County Planning Board requires them to replace the Main Avenue sidewalk, which they will agree to do consistent with the Passaic County streetscape requirements. The sidewalks along Harding and Union will also be replaced, as recommended by the Neglia report of 8/20/24. Curbs will be ADA compliant and upgraded if necessary. Mr. Pugsley addressed the distinct criteria for ATM lighting required by NJ regulations; this is met by the proposed plan. As for the comment that they scope the existing sewer system, Mr. Pugsley testified that they don't want to do this because the sewer system is in the County Road, and this would be a significant disruption. Mr. Kurus stated that they typically require all new connections to the sewer system be scoped. Chair stated that the system should be scoped to determine if it can handle the new connections. Mr. Wenzel said they will work with Mr. Kurus on this item. Other than that, they agree to address the items in the Neglia report.

Board questions: Cmr. Eramo- how many parking spaces? There will be 52 but by ordinance the 2 EV spaces count for 2, so the 54 space requirement is met. Cmr. Eramo noted that there are three shade trees on site and asked that they save them. Mr. Pugsley stated that the trees cannot be maintained but they will agree to work with the Board's professionals on landscaping and will agree to plant native species. VC Scorziello- who has access to the EV spaces, they are located in the center of the site; anyone will have access to the EV space. Mr. Pugsley testifies that the EV regulations require that the space be made ready for charging but the plug need not be installed immediately. The state made the EV spaces a permitted use in all parking areas

Mr. Wenzel then called architect Anthony Zampolin AIA, who provided his qualifications and was accepted by the Board as an expert in the field of architecture. Mr. Zampolin testified regarding the proposed building. The basement will function as a mechanical room and storage for tenants. The ground floor is 2600 SF of medical office rental space, as well as a vestibule and package room adjacent to a center elevator/stair hall. The second floor will contain 4 “true one-bedroom apartments,” each about 800 SF with open-plan concepts. Each unit will have its own washer/dryer. Rooftop will contain mechanicals and HVAC units individual to each residential unit. The roof will hide the mechanical equipment. Tower elements on façade provide a design element consistent with the Main Avenue Overlay requirements and will be consistent with the surrounding design elements on adjacent Main Avenue buildings and will fit in with the surrounding context. Mr. Zampolin stated that the proposed building is intended to be consistent with the existing PNC building, which he described as Beaux-Arts style. They will comply with Mr. Graviano’s recommendation regarding improvements to the PNC bank building. They are proposing awnings over the new building that will encroach over the public right of way. No signs proposed at this time; no signs to be placed on the façade of the building; there may be some directional signage in the parking lot but will comply with the Overlay Zone requirements. Renderings showing the building in context #1, marked as Exhibit A-3, and #2 marked as Exhibit A-4.

Mr. Graviano asked the applicant to identify a sign band during resolution compliance so there is no confusion as to where the signs can be located. Signage will comply with the Main Ave Overlay zone requirements. Applicant agrees to comply.

Cmr. Molner stated that the new building is beautiful; the old building is near his office and notes that there have been issues with the stone façade of the PNC building; there have been barricades due to sections falling off the building. Mr. Graviano comments that the building is great looking but the concern is the existing building, the state of the façade facing the building. He would like to see something a bit more consistent with the existing building and asks that the applicant work with the Board’s professionals to address the structural and cosmetic condition of the existing building. Mr. Wenzel acknowledges the issues with the existing building and states that the applicant will work with the Board’s professionals to address these issues. Mr. Graviano further states that there are code enforcement violations that the applicant will need to address during resolution compliance. Mr. Wenzel states that he agrees 100% with these comments and the applicant will address them. Mr. Eisenmann thanks the architect for using actual photos for the renderings.

Mr. Wenzel then calls Mr. Taikina, who provided his qualifications and was accepted by the Board as an expert in the field of professional planning. Mr. Taikina testified as follows regarding the variance criteria:

- D(1) use variance for the proposed mixed use and to have two principal uses on one lot; Mr. Taikina states that the corner of Main Avenue and Harding Avenue is sorely lacking a building and this will be a significant improvement. The site is particularly suited for

the proposed uses due to its size, allowing the applicant to meet most of the bulk standards, including parking. The new building on this corner will improve the Main Avenue streetscape. Parking will be taken out of the front yard and put in the rear and side yards. The proposed medical and residential uses are fairly low-impact compared to the other permitted uses in the BC zone.

- Positive criteria/special reasons: Purpose E (densities); I (desirable visual environment); M (efficient use of land). Putting a second principal use on this property is really a more efficient use of land; this is also about the coordination between the City and County to promote redevelopment, which the applicant has done a good job with. The aesthetic enhancement of both the existing building and the new building are sufficient to justify the use variance relief. Population density downtown is a good thing from a planning perspective; it will compliment all the other uses in the downtown area. More activity in the downtown area is good; being crowded in the downtown area is what the Main Avenue Overlay seeks to promote. The BC zone allows for some limited residential uses in the downtown area; owner-occupied live-work is permitted. This is not much different from what the applicant is proposing. This is the future of planning.
- In terms of the negative criteria, this proposal aligns well with the goals of the master plan; it encourages reuse and revitalization of the city's older business areas. No impairment to the zone plan or the ordinance- this advances goals relating to the provision of parking and promotion of activity in the downtown. There will be no detriment to the public good- these are quiet, low-impact uses that will enhance the area.

Mr. Taikina then addressed the bulk variances, stating that they could be subsumed to the D1 use variance. These are C2 variances, a better planning alternative- the overall benefits of the entire project outweigh the detriments of the reduced parking setbacks. The positive criteria discussed similarly applies to the C2.

Cmr. Foukas notes that the existing building was in good shape for years but since the applicant bought it, it's deteriorated significantly. Mr. Wenzel stated that the new building will elevate the site and will help bring the existing building into better repair; he acknowledged that these improvements to the existing building need to be done now. Mr. Wenzel said he believes the applicant will undertake those repairs immediately. Mr. Graviano states that the removal of the drive-through canopy is a modification to the existing building and suggests that the architect testify as to the improvements to the existing building. Due to time, the Board agreed that an approval could be conditioned on the applicant working with the Board's professionals to make repairs to the existing building; they will provide a specific list of items that need to be addressed.

Mr. Wenzel provided a closing statement saying that this application should be approved.

Commissioner Foukas made a motion to approve, subject to the stipulations that the applicant comply with the recommendations of the Board's professionals, that the applicant will work with

the Board's professionals to make the necessary improvements to the bank building and to remedy any code violations; subject to the modifications to the ATM lanes depicted on Exhibit A-2, the masonry trash enclosure, and compliance with the reports of the Board's professionals. Cmr. O'Connor seconded the motion. Voting in favor are Cmr. Braid, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. MOHAMMAD JABER, 42 Prospect St., Bl. 15.09, Lot 23; Zone: RB1

Denial of variances from minimum single and combined side yard setback and driveway setback requirements for expansion and conversion of existing one family home to a two-family home.

Vice Chairman Scorziello made a motion to approve. Commissioner Foukas seconded the motion; voting in favor are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello, and Chairman Zecchino.

2. KEVIN YORKS & LAUREN POTOCZNIAK 58 Melody Hill Rd., Bl. 44.07, Lot 19, Zone: RA3

Approval of bulk variance relief from minimum single side yard setback requirement to renovate and reconstruct a single-family home using the existing foundation.

Commissioner O'Connor made a motion to approve. Vice Chairman Scorziello seconded the motion; voting in favor are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

3. Minutes of the August 14, 2024 Regular Meeting.

Vice Chairman Scorziello made a motion to approve. Commissioner Molner seconded the motion; voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice Chair Scorziello, and Chairman Zecchino.

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner Molner, with the unanimous approval of all Board members present, the meeting was adjourned at 10:08 p.m.

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