

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 9, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (1A)
DAVID BRAID
ALESSIA ERAMO
MAUREEN O'CONNOR
MICHAEL MOLNER
GEORGE FOUKAS
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 7:03 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.

UPCOMING CONTINUED HEARINGS

1. 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)

Chairman Zecchino announced that the application, previously carried to October 23, 2024, will now be carried to December 4, 2024, with no further notice.

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

Chairman Zecchino announced that the Applicant has requested that the application, previously carried to October 23, 2024, be dismissed without prejudice. Commissioner Molner moved to dismiss the application without prejudice, Cmr. O'Connor seconds. Voting in favor are Commissioners Braid, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

3. MITCHELL TISCHLER 35 Lehigh Ave., Bl. 70.04, Lot 18; Zone: RA-3

Chairman Zecchino announced that the Applicant has requested that the application, previously carried to October 23, 2024, be dismissed without prejudice. Commissioner Molner

moved to dismiss the application without prejudice, Cmr. O'Connor seconds. Voting in favor are Commissioners Braid, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

4. NEW HOPE SCHOOL, 76-78 DeMott Ave., Bl. 12.15, Lot 23, Zone: R-B1

Continued from 8/14/24 (Eisenman to listen to recording and certify)

Chairman Zecchino announced that the application has been carried to November 6, 2024, at the Applicant's request, with no further notice.

5. DUA GREENS, LLC, 77 Wabash Ave., Bl. 5.07, Lot 14; Zone: M-2

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

Chairman Zecchino then announced that the agenda would be taken out of order, with the homeowner applications to be taken first, and then continued hearings on the commercial applications.

NEW HEARINGS

1. JOHN & JOANNE VARRIANO, 77 Rutgers Place, Bl. 27.10, Lot 66, Zone: RA-2

Applicant is requesting to expand existing driveway which will require the following bulk variance; driveway proposed at 0' off property line where 5' required.

John and Joanne Varriano appeared *pro se*. Mr. Varriano testified that they have lived in Clifton for many years and are requesting to expand their current single driveway to make it a double driveway suitable for parking two cars; this will help alleviate parking conditions in the neighborhood. The curb cut and the sidewalk will remain the same. Cmr. Foukas asked the Applicant to address drainage; Mr. Varriano testified that the paving contractor will install a drainage pipe to mitigate drainage and improve existing conditions.

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

2. ATARA COHEN, 97 Patricia Place, Bl. 71.04, Lot 6, Zone: RA-3

Atara Cohen appeared *pro se* and stated that she would be presenting the testimony of William J. Martin, RA, PP in support of the application. Mr. Martin provided his professional qualifications and was accepted by the Board as an expert in the fields of architecture and professional planning. Interested party Wendy Diodonet also appeared in support of the application.

Mr. Martin distributed a handout to the Board, dated 10/9/24, consisting of six sheets; sheet 1- rendering showing proposed house; 2- zoning map showing the subject property; 3-google

aerial showing the property and neighborhood; 4- google aerial showing slightly different angle; 5- street view; 6- street view, which was marked as Exhibit A-1 in evidence.

Mr. Martin testified that the Applicant owns the property, which consists of an existing one-story single-family home on a 5,488 SF lot; the applicant is proposing to expand the house by adding a first and second floor addition to an existing single-family home and covered front portico. The second-floor addition will not encroach beyond the existing nonconforming side yard setback. The combined side yard setback is presently nonconforming; this will not be changed. Total side yard required is 16 feet, existing is 9.5 feet; this variance is requested to allow the first and second floor to have the same building line. A slight increase in lot coverage is proposed to allow for an addition to the first floor as well. This will require the following variances: side yard setback proposed at 4.7' where 6' required, combined yard setback proposed at 9.5' where 16' required, and lot coverage proposed at 29.77% where 27% required.

Mr. Martin then described the proposed addition in reference to submitted the architectural plans. He testified that the proposed addition will provide a house of adequate size for a growing family.

Addressing the variance criteria, Mr. Martin testified that the relief can be justified as a C2 variance in that the benefits of the deviation outweigh any detriments, and there will be no substantial detriment to the zone plan or ordinance. The additional coverage is the only new variance. The other preexisting nonconforming conditions are being extended but not changed. The pre-existing nonconforming side yard setbacks constitute a hardship to the applicant, as they are caused by the location of the house on the property. Mr. Martin testified that the proposed addition will remain consistent with the neighborhood and will have no substantial detriment to neighboring properties.

The basement has a full bathroom; Ms. Bolcato stated that the bathroom predates the zoning prohibition against same.

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

3. VICTOR WEISS, 52 Lorraine Drive, Bl. 50.05, Lot 20, Zone:RA-3

Victor Weiss appeared *pro se* and stated that he is requesting approval to construct a new two-story addition which requires the following bulk variances; rear yard setback proposed at 25.8' where 32.5' is required, combined side yard setback proposed at 13.55' where 16' required, lot coverage proposed at 33.4% where 27% required, and rear intersecting gable is creating a 3rd story where only 2 stories are permitted. Needs room for a growing family.

Chairman asked Ms. Bolcato for clarification on the third floor/intersecting gable. Ms. Bolcato stated that the intersecting gable is creating a third floor, but the height is conforming. Chair advised the applicant that the third story is problematic; the Board has frowned upon the

more significant roofline that accompanies the intersecting gable. Mr. Weiss stated that he intends to use the attic area for storage only.

Chairman advised the applicant to remove the rear intersecting gable. Cmr. Eisenman noted that the gable could probably be removed. Chairman suggested that the applicant revise the plans to remove the rear gable and return to the Board. Ms. Bolcato stated that the application can be carried to November 6, with no further notice.

4. JULIAN NAZARIO, 53 Greglawn Drive, Bl. 40.04, Lot 5, Zone: RA-2

Mr. Nazario appeared *pro se*; he testified that he is in the process of renovating his recently purchased single-family home, and he got the idea to add a front porch and extend the driveway in a manner similar to other homes in the neighborhood. He is requesting the following variances: front yard setback proposed at 24' where 30' is required, combined side yard setback proposed at 15.6' where 16' required, lot coverage proposed at 33.2% where 30% is required, and driveway setback proposed at 1' where 5' required. Ms. Bolcato confirmed that there are valid permits for the work that they've done to date, and further confirmed with Mr. Nazario that the AC units will be returned to the rear/back left of the house so as to eliminate the request for the combined side yard setback variance. Commissioner Eramo noted that the front yard setback is 6 feet closer to the street than permitted and asked the applicant to justify this variance; his response was that the front yard setback variance is requested to allow for a 6' front porch, which is the minimum depth necessary to accommodate chairs and make the porch usable. Mr. Nazario further stated that the porch will be open and will not be enclosed or used as interior space. In response to a question from Ms. Sweet, the applicant stated that the proposed front yard setback is consistent with the other houses in the neighborhood that have front porches, including the neighbor behind him and up the street.

Vice Chairman Scorziello stated that the proposed plan is consistent with prior approvals granted by this Board, and the deviations are not too overwhelming and appear to be consistent with the neighborhood, and makes a motion to approve. Commissioner O'Connor seconds the motion. Voting in favor are Commissioners Braid, O'Connor, Molner (noting that there were no objectors appearing in opposition), Foukas, Vice Chairman Scorziello, and Chairman Zecchino. Commissioner Eramo voted no, stating that the plan does not appear to be consistent with the neighborhood.

CONTINUED HEARINGS

5. SHERIF HABIB, 27 Sixth Ave., Bl. 16.16; Lot 17, Zone: R-B1

Joseph Wenzel, Esq., entered his appearance on behalf of the applicant, Sharif Habib, and advised the Board that his client is seeking to convert this existing one-family home to a two-family home, requiring several variances, all of which are pre-existing conditions with the exception of the parking variance. Mr. Wenzel stated that the applicant requests the following variances: (1) minimum lot area per dwelling unit of 3,645 sq. ft. where 3,750 sq. ft. is required; (2) minimum lot area of 3,645 sq. ft. where 7,500 sq. ft. is required; (3) minimum lot width of 33.5 ft. where 75 ft. is required; (4) minimum front yard setback of 13.5 ft. where 25 ft. is

required; (5) minimum side yard setback for each side of 2.6 ft. (right) and 8.5 ft. (left) where 12 ft. per side is required and both sides of 11 ft. where 24 ft. is required; and (6) from the minimum off-street parking requirement where zero (0) spaces are existing/proposed, and four (4) spaces are required. Mr. Wenzel stated further that the proposal does not require the applicant to make any exterior changes to the house. All that would be required is the installation of a door between the upstairs and downstairs. Regarding the parking variance, there is currently no onsite parking, but there is plenty of on-street parking.

Mr. Habib testified that he is seeking to modify the existing home to provide for living space for his parents and proposing a two-family to get some separation. He has owned the property for 4 years; there has never been a driveway or other on-street parking. Mr. Habib testified that there is significant on-street parking available in the neighborhood.

Chairman Zecchino asked if this is a one-family or a two family; Assistant Zoning Officer Bolcato stated that there are open violations, and the applicant was in court and pleaded guilty to illegal occupancy. The two-family work was done without permits and remains outstanding. The Chairman stated that the Board needs to look at this application as if no work has been done. The Chairman observed that there is no parking on this undersized lot. Mr. Wenzel stated that he grew up in the area and there is a lot of parking already on 6th Avenue and Madeline Ave, where there are no houses. Mr. Wenzel stated that this is one of the only homes on the street without a driveway. Putting a driveway in would require a driveway setback variance and approval from the City for an additional curb cut. Mr. Habib testified that there are barely any cars on the street and there's always available parking, and that there is no room for a driveway. The Chairman stated, to the contrary, he has observed that there are often many cars parked on the street at all times.

Vice Chair Scorziello asked Mr. Habib to clarify the current occupants of the house; Mr. Habib testified that he bought the house 4 years ago, his parents live there now, and he was recently married and he and his new wife want to move in, but they want to have their own separate living space from his parents.

Mr. Wenzel argued that this lot is very unique, it is an old house built in the 1920s, the lot is undersized. Cmr. Foukas noted that this is a very small house and property, not suitable for conversion to a two-family home. Mr. Wenzel argued that the footprint is not being expanded, which limits the number of prospective cars. Cmr. Molner disagrees that there's a lot of parking in the area. Cmr. Eisenman asked what the hardship is; Mr. Wenzel stated that the hardship is the existing size of the lot.

Interested party: Mr. Dennis Kerzan stated that there are several handicapped spaces on the street. He also stated that there is a family of 8 living on the second floor, and 6 adults living downstairs. The property is being overused and too many people live there.

Vice Chair Scorziello stated that he believes this is an unreasonable request, and makes a motion to deny the application; Cmr. O'Connor seconds. Voting in favor of the motion to deny

are Commissioners Braid, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

At 8:10 p.m., Chairman Zecchino announced that the Board would take a brief recess.

At 8:12 p.m., Commissioner Braid left the dais and exited the meeting, as he is ineligible to vote on the remaining application, resolutions and minutes.

At 8:20, the Board went back on the record and the hearing resumed.

**6. TFJ HAZEL LLC/ ILEARN SCHOOOLS, 252 Hazel Street and 237 West 3rd Street;
Block 16.11, Lots 1 and 2; Zone: R-B2
CONTINUED FROM 7/31/24 AND 9/23/24 SPECIAL MEETINGS (All eligible except
Braid)**

Ms. Gonchar put her appearance on the record. Chairman announced that all interested parties would be given three minutes to put their statements on the record. Then Ms. Gonchar would make her closing statement.

Interested parties:

Mark Gengaro, Superintendent of Clifton Public School District—he expresses concerns about the expansion of this charter school in Clifton. By no means do the individuals here today represent the views of the Clifton Board of Education, and he is here to express that there is the need to expand the charter school is detrimental to the community. Ms. Gonchar objected to any testimony regarding the quality of education provided by charter schools and stated that this is not relevant to the zoning and planning considerations under review by the Board. Mr. Gengaro stated that he is here to rebut the statements of interested parties at the last meeting. Clifton Public School District has the resources to support the community and provide a superior education to all students in Clifton, and here to caution the Zoning Board about the potential effects of the new charter school. Community was not adequately informed about the expansion. Charter schools divert funds from public schools. This will result in a substantial financial impact to the community. It is incumbent upon the Zoning Board to determine whether there is a substantial need for this Charter School.

Michelle Gaudet, 28 Bergen Ave., Clifton: Charter students only comprise 2% of the Clifton Public School budget. There is no problem with the security guard identifying every parent, everyone is known by all of the security guards, the school is perfectly safe.

Ayesha Jones, 146 Selick Street, Clifton: I'm a resident of Clifton, a mom, a teacher in the City of Passaic. I was excited when the Charter Schools opened in Clifton, it is an ideal community. Makes students feel safe. They know who the students are, different from public school. A state-of-the-art building is what every student needs. Putting a state-of-the-art building in place is what's needed for the children. Parents should be given the opportunity to provide the best education they can for their children. Charter schools provide a close-knit community.

Beatrice Johnson, Passaic, NJ: Charter schools provide a great deal of love, etc. for children. They know the parents, they know the children. Public schools do not provide the same community as the charter school. Teachers have had a wonderful impact on her children. We need this school; it's not just a building. Unfortunately, a lot of people cannot live in suburban neighborhoods, the public schools are not doing it, but Charter Schools are.

Adriana Rexach, age 14- has been in Charter School since 7th grade, has changed her education. She needs a new building, as a freshman at Passaic Clifton Charter High School, she feels that reusing old buildings is detrimental to her educational experience. She believes that she was in a poor learning environment at Woodrow Wilson School. Charter schools can do much more for the students if they had a better building, which would provide more opportunities for students. This will provide better learning and extracurricular opportunity for the students, and will encourage them.

Ricky Rexach, 30 Comfort Place, -- This is what Charter School did for my daughter, she's doing much better since she started going to the Charter School.

Miosotie Cordero, Paterson, NJ—She travels from Paterson to Clifton to bring her children to the Charter School, they have had a bad experience in public school. The Charter School has been a great experience for her children. It was the best decision they ever made for their children; they provide academic support, and it would be wonderful to have a high school for them to attend.

Tamara Herold, Clifton- She has twin boys and chose Charter school due to dissatisfaction with public schools, which were not teaching her boys at an equal rate. They have been in Charter since kindergarten, now in 7th grade. They are being taught equally on the same level. They lay the proper academic foundation. She was always dissatisfied with the building/facilities and this is an opportunity to improve their facilities and provide better amenities for the students. Her students should have the opportunity to play football and run track like at the public schools.

Belen Lorenzo, 128 Ackerman Ave., Clifton—her sister attends Charter School and they know everyone within the first week. They need a new school, the current one is too small, they eat lunch in the gym, they have to take a bus to go to another school to play sports. The teachers are highly encouraging. Graduated the class of 2024 from Clifton High School, she had problems applying for college due to inattention from guidance counselors. She lost hope that she would be able to go to college, and she's hoping for her sister to have a more supportive experience with the Charter School.

Audra Lopez—has two daughters that attend Charter School, it's a superior experience. She supports the new school on Hazel Street.

Connie Francis Kisfalui- 95 John St., Clifton,-- her daughter goes to Charter School, the kids love it, they are having a wonderful experience. She's learning a lot. Her family decided to stay in Clifton because they love the diversity and they also love the Charter School.

Jesse Chao, 118 Chelsea Rd., Clifton: his kids are in the charter school, they are having an amazing experience. Teachers love their jobs. This high school will provide great educational opportunities for the children.

Phyllis Castillo, 84 Merselis Ave., Clifton- grateful for the Charter School. Her kids need a field to play on, they need an updated school for the kids. Hopes it will be approved.

Rosemarie Tescano, 176 W. 2nd Street, Clifton: She lives on the corner from 252 Hazel Street, the factory has been abandoned for a long time, it is an eyesore and a draw for illegal and dangerous activity. She would like to see it redeveloped.

Manasi Joshi, 8 Devonshire Dr., Clifton—hopes that this is approved so her daughter can go to this high school.

Briana Combs—her son has been at the Charter School since 1st grade. The Charter School supervisors and teachers are very dedicated. She works for Passaic Public Schools, she loves the Charter School. She hopes this goes through.

Miriam Soriano, 285 E. 6th St., Clifton—has a child in the Charter School, it's a true village. Having a brand new building will provide excellent opportunities for the children.

Shruti Padave—she supports the school. If it wasn't for this Charter School, she wouldn't have moved to Clifton, her daughter has always been in excellent schools, if she was moving here for work, she wanted to put her kid in an excellent school. They have a good gifted and talented program. Staff is nice and approachable.

Nurullah Kilic, 107 W. 4th St.: has yet to see any evidence to support this project from a zoning perspective. If this is about education, why are they trying to repurpose this old building that isn't suitable for the needs of students. If truly committed, they should be investing in a completely new building, on a larger lot. This will result in diminished safety, and they will have adverse impacts on the surrounding neighbors. iLearn Schools has not demonstrated anything extraordinary, their performance is below average except for the Bergen location. Repurposing the old building is not safe for children. This is not about education, it is about pushing through a project at the expense. This will have bad traffic impacts on the community.

Erica Tlotelpa, 368 Paulson Ave., Passaic: school does need an updated high school so that they are providing the same opportunities as public schools.

Jessica Dohayre, 118 Demott Ave.—asks the board to approve the project, it will be good for the kids in charter school.

Chairman Zecchino then called for additional interested parties to come forward, seeing none, he closed the public portion of the hearing. Chairman Zecchino then stated that the Board's role is not to look at the school itself but to look at the variances requested and the site design.

Ms. Gonchar then provided a closing statement, as follows:

This is not a D1 variance; it is a conditional use variance, so the City has already decided that the site is appropriate for the proposed use. The Board's duty is to determine whether the site remains appropriate for the proposed use despite the failure to meet all of the conditions. This site is appropriate for a school. The applicant's duty is to address the impact of the failure to meet the conditions.

This is a charter school, governed by different requirements than what govern the Board of Education. This is an applicant that is operating and has retrofitted/rehabilitated other buildings into schools. They know what they are doing.

They don't agree with the Board Engineer's assertion regarding the school design standards. To the extent that they do apply, there is a process that we will go through to build out the school. Demolition permits will be needed for the parts of the building that come down, the local building department will make the decision as to which Construction Code requirements apply. She was disturbed to have this issue of the best practices for schools construction brought up at the second hearing without notice. To the extent that a security gate is required for entrance to the parking below the building, they will accept a condition that there be a gate installed, and that every family would be provided a sticker or hangtag that would protect against unauthorized access. We believe that we are not subject to the regulations that the Board engineer identified, but we will comply with them if required. If the gate is put in at the entrance of the drive aisle, the traffic engineer would testify that there would not be any stacking problems or other traffic issues.

Again, this is not a D1, it is a D3, also an inherently beneficial use, meaning that part of the burden is eliminated—the positive criteria is presumed due to the nature of the use, it is beneficial to the public. In the ranking of inherently beneficial uses, part of the analysis under Sica, educational uses are ranked high. When you make your analysis, your focus is on the impact of the conditions that we are not meeting, not the impact of the use itself. The Master Plan has an express goal of preserving old buildings, we are meeting this. Although the architect may not have evaluated the structural soundness of the building, the applicant has done so, made a preliminary determination that this building is appropriate for the adaptive reuse. They will make a more detailed determination if approved. If changes need to be made, they will have to come back to this board.

We have an inherently beneficial use, we have a D3 conditional use variance, we have a D6 height variance. Keep in mind that a portion of the building is already 3 stories, they are extending a portion of the building that is 2.5 stories. Both the height and the D3 variance require us to show that the problems resulting from the deviation can be accommodated on site. Our experts testified that they can.

This is a unique application- they have made numerous changes to address concerns that the Board raised. To the extent that you were concerned with impacts to surrounding streets, we eliminated the onstreet bus parking, which is a common element of many urban schools. You may have imposed a higher standard on us, but we were responsive.

Many of the conditional use standards are setbacks- these are pre-existing nonconforming conditions. We are not exacerbating those. They do not exist because we are not meeting the conditions of the conditional use. The height- we exceed this, but the existing building exceeds it, whatever concerns arise from this are not related to our failure to meet the conditions.

Regarding the setback, there were concerns expressed about the setback to the street, but this is existing. We will use shatter-proof glass to protect students.

Parking in the front yard- the site has 3 front yards, creating a hardship condition to allow for bus parking in the front yard.

Traffic- the traffic consultant has stated that there will be minimal impacts. The traffic impact is from the school use itself, which the governing body has already decided is appropriate here. This is not a reason to deny the application.

Regarding drop-off- if there are issues that the Board is concerned about regarding the drop-off with parents dropping off around the neighborhood, the Board can impose conditions relating to signage, etc.

A major benefit of this application is the stormwater management system that the applicant will be installing. This is a developed site, we are maintaining the building, we are reducing the coverage from what's existing. Adding stormwater management will be a benefit to the neighborhood.

Standards of the D3 use are laid out in Coventry Square, where the Supreme Court said that the enhanced burden of proof – site suitability and reconciliation of the omission from the zoning ordinance—is not applicable to the D3 analysis.

The fact that this is a Charter School does not affect the inherently beneficial use standard.

Negative impacts- there were hundreds of interested parties and a difference of opinion. No legitimate negative impacts have been identified in the testimony. No evidence it will be noisy, no significant traffic impacts, the pickup in the afternoon is not peak hour. It will not have the detrimental impact that comes with peak hour traffic. No negative impacts have been identified. The appearance of the building is not a sufficient basis to deny this application based on negative impacts.

The last thing the Board does in this analysis is to impose reasonable conditions that would mitigate any negative impacts. They've agreed to a gate and restrictions on under-building parking. Other conditions would include no use of the facilities in the summer. We have already incorporated changes that the Board may have imposed.

This is an unusual application; a good number of your residents agree with the City that a school should go here. We think we have an even better project now, and we welcome additional input from the Board and its consultants. There has not been a hue and cry from the neighborhood against this application, we know they will object if they don't like it.

The Board then began deliberations:

Chairman Zecchino reminds the Board that this is an inherently beneficial use. There are certain impacts, including the three-stories. The expansion of the height and mass was not addressed. The entire length of the Hazel Street frontage will now be 3 stories, the Master Plan recommendation regarding the reuse of old industrial buildings is intended to address those buildings in older nonresidential areas, not residential areas.

Vice Chairman Scorziello: Education is one of the most important factors that determines how children will grow up. It is no doubt an inherently beneficial use; we also need to take into consideration the setbacks, the height and mass of the structures- is it consistent with the neighborhood. It exceeds the height so that the parking can be met. The applicant wants the best for students, they want to establish a premier institution. The site doesn't quite fit the school. We

are not against schools; the school is needed. But this site is unacceptable for the school to be put there. Motion to deny. Second by Commissioner Molner.

Roll call vote:

1. Cmr. Eisenman- votes no against motion to deny.
2. Cmr. Eramo- wants them to have a school, but this school does not fit into the site. The Board has brought up on multiple occasions that the school is appropriate, but it cannot be so much larger than what is allowed. The applicant needs to figure out how many students would be accommodated in a smaller school and reduce the plan accordingly. Stating that this is simply too large a building for this site, Cmr. Eramo votes yes to deny.
3. Cmr. O'Connor- states that she agrees with Cmr. Eramo, Cmr. O'Connor votes yes to deny.
4. Cmr. Molner—they are expanding the nonconforming building and not just reusing it; it is too tall. The applicant is seeking to construct too large a building for the site. Cmr. Molner votes yes to deny.
5. Cmr. Foukas—This seems like a really nice school and we have to weigh the conditions that are not met; traffic. We heard from objectors who testified that the school will have detrimental impacts to the neighborhood, and the proposed massing and height will be a significant departure from the surrounding area. Cmr. Foukas votes yes to deny.
6. Vice Chairman Scorziello—for the reasons previously stated, votes yes to deny.
7. Chairman Zecchino—the expansion is the problem, three stories going the entire length of Hazel will be intrusive; the current building is open, has variations. The parking is under the building; the additional height is what allows them to meet the parking requirements, votes yes to deny.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. **PREETI RANA**, 101 Brighton Rd., Bl. 56.03, Lot 7; Zone RA-3

Approval of bulk variance relief from the maximum lot coverage requirement to construct an addition to a single-family home.

Commission Foukas made a motion to approve, Vice Chairman Scorziello seconded the motion. Voting in favor are Commissioners Eisenman, Eramo, O'Connor, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

2. **DAMASCO CAFÉ**, 600 Getty Ave. Bl. 9.04, Lot 22; Zone: PD-O2

Approval of D(3) conditional use variance relief for a change of use of an existing storefront in a shopping center to a café/ice cream shop where the minimum parking requirement for all existing and proposed uses at the center is 444 spaces and 439 spaces currently exist.

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

3. **1607-1617 MAIN AVE, LLC**, 1607-1617 Main Ave., Bl. 9.09, Lots 9 & 11; Zone: B-C
Approval of preliminary and final site plan with D(1) use and bulk variances to construct a new two-story mixed-use building with commercial use on the first floor and 12 residential apartments on the second floor.

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

4. Minutes of September 18, 2024 Regular Meeting

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

5. Minutes of the September 23, 2024 Special Meeting

Commissioner O'Connor made a motion to approve. Commissioner Eisenman seconded the motion; voting in favor are Commissioners Eisenman, 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 O'Connor, with the unanimous approval of all Board members present, the meeting was adjourned at 9:50 p.m.

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