

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 23, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

ALESSIA ERAMO
MAUREEN O'CONNOR
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO
CHAIRMAN ZECCHINO

ALSO PRESENT:

Liana Bolcato, Asst. Zoning Officer
Jessica Sweet, Esq., Counsel/Secretary
Nicholas Graviano, PP
Brian Intindola, PE

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 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 has been carried to December 4, 2024, with no further notice.

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

Chairman Zecchino announced that the Applicant has requested that the application, previously carried to November 6, 2024, be dismissed without prejudice. Commissioner Foukas moved to dismiss the application without prejudice, Cmr. O'Connor seconds. Voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

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

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

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

Chairman Zecchino announced that the application will be continued on November 6, 2024, at the Applicant's request, with no further notice.

5. DG INVESTMENT LLC, 155 Sargeant Ave., Bl: 36.07, Lot 1; Zone M2

Chairman Zecchino announced that the application, previously scheduled to be heard tonight, will be carried to November 6, 2024, at the Applicant's request, with no further notice.

6. BMJR REALTY LLC, 423 Lakeview Ave., Bl. 1.16, Lot 1; Zone BC

Chairman Zecchino announced that the application, previously scheduled to be heard tonight, will be carried to November 6, 2024, at the Applicant's request, with no further notice.

NEW HEARINGS

1. VANIA NETTLEFORD, 27 Althea St., Bl. 43.04, Lot 28, Zone: R-B1

Applicant is requesting to extend existing driveway and reduce backyard size to allow for additional parking at an existing four-family apartment building. A variance for an expansion of a non-conforming use is being requested as well as a variance for a 5' buffer requirement where 0' proposed on right side and 4' proposed at rear property line.

Vania Nettleford appeared *pro se*. She testified that she is the owner of 27 Althea Street, and she is requesting a variance to enlarge the property, which contains four one-bedroom units, but only two of the four units has parking due to the tandem layout. She is proposing to expand the use, requiring a D2 variance to expand the preexisting nonconforming use of a four-family apartment building in the R-B1 zone. This will require a variance for a 5' buffer requirement where 0' proposed on right side and 4' proposed at rear property line.

Commissioner Foukas asked what measures will be taken to address the additional impervious coverage; Ms. Nettleford testified that she will install Belgian block curbing along the side of the new parking lot to contain the water on her property. Commissioner Eramo asked if there are additional measures that could be taken to prevent runoff to the adjacent properties. Board Engineer Brian Intindola recommended that the typical drainage measure for this type of improvement would be a 500-gallon seepage pit or detention structure to let the water infiltrate through; the new parking area should be graded to direct the runoff to a 24" x 24" catch basin, which would lead directly to a perforated detention structure in a gravel bed. Mr. Intindola advised that his office would work with the Applicant to review the revised plans and inspect the installation once completed, which would prevent any runoff to the neighbors' properties. Ms. Nettleford agreed to comply with this recommendation.

At the conclusion of the testimony, Vice Chairman Scorziello made a motion to approve, subject to the stipulation recommended by Mr. Intindola regarding the installation of the catch basin and seepage pit. Cmr. O'Connor seconded the motion. Voting in favor are Commissioners Eramo, who stated that she believes the additional parking spaces will be an overall benefit to the

community, provided the drainage is contained as recommended by the Board Engineer; O'Connor; Foukas; Vice Chairman Scorziello; and Chairman Zecchino.

2. PB NUTCLIF MASTER LLC, 10 Metro Blvd/340 Kingsland St., Bl. 80.02, Lot 3, Zone: M-3

Applicant is seeking preliminary and final major site plan approval, a (d)(1) use variance to permit the proposed café/restaurant and private roadway/street, (c) bulk variances to permit a lot size of 0.6658 acres where the minimum lot size is 2.5 acres (preexisting non-conforming condition), and to permit a lot width of 25 feet where the minimum lot width is 250 feet (preexisting non-conforming condition), and a variance from N.J.S.A. 40:55D-35 to permit approval of the proposed development on lots that do not abut a street giving access thereto, for improvements conditionally approved on adjoining lots for (i) a proposed approximately 2,814-square-foot café/restaurant, with the initial tenant proposed to be a Starbucks, and (ii) a private roadway/street, along with related site improvements.

Adam Faiella, Sills Cummis, entered his appearance on behalf of the applicant. He provided an opening statement in which he described this application as a “use variance technicality,” in which the subject property, owned by PSE&G, was inadvertently omitted from the Hoffman Laroche campus redevelopment plan. On both sides of the subject lot, a Starbucks was approved by the Planning Board by resolution approved on September 28, 2023, and the road was approved June 27, 2024. The planning board conditioned the approval on the applicant coming to this Board to obtain approval for Lot 3, which was left out of the redevelopment plan and remains in the M-3 zone. Mr. Faiella stated that they have no issues with the recommendations contained in the reports of the Board’s professionals.

Mr. Faiella then called Elio Qorri, PE, who described the subject property and the proposal. The subject property is the PSE&G property spanning from the Clifton – Nutley border to Route 3. It is 0.566 acres, 25’ in width, both preexisting nonconforming conditions. It crosses over the JCMUA pipeline. The lot is mostly paved. The Starbucks is under construction; it is not on the subject property. Approved by the Planning Board in September 2023.

Mr. Qorri testified that the Starbucks was approved by the planning board but this narrow lot was inadvertently left out of the redevelopment plan; it was incorporated into the Starbucks redevelopment, as approved. Because it was left out of the redevelopment plan, the M3 zoning remains in place, and thus a use variance is required for the Starbucks.

Cmr. Foukas asked about the authorization from PSE&G to build on this narrow lot; Mr. Faiella stated that authorization has been obtained from PSE&G.

Mr. Faiella then called David Novak, PP, with Burgis Associates. He provided his qualifications and was accepted by the Board as a professional planner. Mr. Novak described the history behind the redevelopment plan, which was prepared as a joint effort between Clifton and Nutley in the early 2000s, it included the entire Hoffman Laroche campus on the Redevelopment map, but the specific lot and block of this property was not included; Mr. Novak stated that he suspected that the omission may have been due to an assumption that this property was an easement, not its own lot and block.

Mr. Novak described the variances required: a (d)(1) use variance to permit the proposed cafe/restaurant and private roadway/street, (c) bulk variances to permit a lot size of 0.6658 acres where the minimum lot size is 2.5 acres (preexisting non-conforming condition), and to permit a lot width of 25 feet where the minimum lot width is 250 feet (preexisting non-conforming condition), and a variance from N.J.S.A. 40:55D-35 to permit approval of the proposed development on lots that do not abut a street giving access thereto, for improvements conditionally approved on adjoining lots for (i) a proposed approximately 2,814-square-foot café/restaurant, with the initial tenant proposed to be a Starbucks, and (ii) a private roadway/street, along with related site improvements.

Addressing the D1 criteria, Mr. Novak described this lot as a donut hole that cuts through the Phase 3 redevelopment area, and it is not only particularly suited for the proposed use, it is an essential component. Master plan goals- redevelopment and reuse of older industrial areas. The HLR campus was deemed an area in need of redevelopment, goals of which were to reuse the ON3 campus with retail and commercial uses to support the campus and the Route 3 area. It will support the goals of the redevelopment plan, and the granting of this variance will serve purpose A of the MLUL, purpose H free flow of traffic, purpose C desirable visual environment and purpose I air light and open space. This lot supports the rest of the development and allows for development in a comprehensive manner.

Negative criteria, no detriment to the public good, approved by planning board, no impairment to intent and purpose of redevelopment plan, Clifton long-standing goal of redeveloping this site. C variances- no opportunity to redo the lot lines due to the zoning configuration.

As for NJSA 40:55D-35, the site is internal to the redevelopment and does not abut a street. Variance can be granted under the statute as long as the site can be developed in a safe manner, with access for fire and vehicular access. This is part of a larger development and has been vetted by the Planning Board and City professionals.

Essential component for the redevelopment of the campus and fulfillment of the City's redevelopment goals. This will contain three parking spaces and a driveway, so an integral part of the Starbucks development.

Mr. Graviano commented that any conditions of the planning board approval should carry over.

At the conclusion of the testimony, Vice Chairman Scorziello made a motion to approve. Cmr. O'Connor seconded the motion. Voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. **SHERIF HABIB**, 27 Sixth Ave., Bl. 16.16; Lot 17, Zone: R-B1
Denial of bulk variance relief for minimum lot area per dwelling unit, minimum lot area, minimum lot width, minimum front yard setback and minimum side yard setback to

convert an existing one-family dwelling to a two-family dwelling on an undersized lot in the R-B1 zone.

Vice Chair Scorziello made a motion to approve the Resolution; Cmr. O'Connor seconds. Voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

2. **JOHN & JOANNE VARRIANO**, 77 Rutgers Place, Bl. 27.10, Lot 66, Zone: RA-2
Approval of bulk variance relief from the minimum driveway setback requirement to widen an existing driveway at a single-family residence in the RA-2 zone.

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

3. **ATARA COHEN**, 97 Patricia Place, Bl. 71.04, Lot 6, Zone: RA-3
Approval of bulk variance relief from the minimum side yard setback (single and combined) and maximum lot coverage requirements to construct a covered front portico and first and second-floor addition to an existing single-family home in the RA-3 zone.

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

4. **JULIAN NAZARIO**, 53 Greglawn Drive, Bl. 40.04, Lot 5, Zone: RA-2
Approval of bulk variance relief from the minimum front yard setback, minimum combined side yard setback, minimum driveway setback, and maximum lot coverage requirements to construct an addition to an existing single-family home.

Vice Chairman Scorziello made a motion to approve the Resolution. Commissioner O'Connor seconded the motion. Voting in favor are Commissioners O'Connor, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

5. Minutes of the October 9, 2024 Regular Meeting
Vice Chairman Scorziello made a motion to approve. Commissioner O'Connor 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 O'Connor, with the unanimous approval of all Board members present, the meeting was adjourned at 7:46 p.m.

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