

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
November 6, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (1A) (left at 7:43 p.m.)
DAVID BRAID
ALESSIA ERAMO (arrived at 7:11 p.m.)
MAUREEN O'CONNOR
MICHAEL MOLNER
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO

ALSO PRESENT:

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

Vice Chairman Scorziello called the Meeting to Order at 7:01 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. Vice Chairman Scorziello 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)

Vice Chairman Scorziello announced that the application has been carried to December 4, 2024, with no further notice.

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

Vice Chairman Scorziello announced that the application will be carried to December 4, 2024, at the Applicant's request, with no further notice.

TONIGHT'S CONTINUED HEARINGS

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

Continued from October 9, 2024 (all members eligible)

Victor Weiss appeared *pro se* and testified that he has revised the plans to remove the rear intersecting gable; revised plans are dated October 14, 2024. These changes demonstrate that the plans are now aligned with the community zoning standards and they revised the plans in response to the concerns raised by the Board at the October 9 hearing.

Ms. Bolcato stated that the application was received prior to the adoption of the new height ordinance and confirmed that the elimination of the rear intersecting gable depicted on the revised plans eliminates the height variance for a three-story structure, and therefore, the proposed addition (2 stories/28.6') complies with the maximum height limitation of 2 stories/30 feet required by the Zoning Ordinance. Mr. Weiss confirmed that the variances requested are as follows: rear yard setback proposed at 25.8' where 32.5' is required, combined side yard setback proposed at 13.55' where 16' required, and lot coverage proposed at 33.4% where 27% required. Mr. Weiss stated that the proposed addition will be consistent with the neighborhood, and the proposed side yard setback variance is to continue the existing building line, which has a pre-existing nonconforming combined side yard setback of 13.55', to the rear of the property. Mr. Weiss further confirmed that the rear yard setback is presently nonconforming at 29.8 feet, where 32.5 feet is required, and the applicant is seeking a modest expansion of the house towards the rear yard.

Cmr. Molner made a motion to approve, seconded by Cmr. O'Connor. Voting in favor are: Commissioners Eisenman, Braid, O'Connor, Molner, Foukas, and Vice Chairman Scorziello.

Commissioner Eramo arrived at 7:11 p.m. and took her seat on the dais.

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

Dominic Iannarella Esq. introduced witness Miros Lewandowski, AIA, and he provided his qualifications which were accepted by the Board as an expert in the field of architecture. Mr. Lewandowski testified that the proposal is to expand the existing commercial building located at 155 Sargeant Avenue by adding a 24.5' addition to the front portion of the second floor in order to even out the roof line and provide space for the proposed residential conversion. Mr. Lewandowski testified that the first floor of the existing building will be used for storage and the existing first floor garage; there is an existing garage door at the rear of the building. The second floor will be converted to residential use, three apartments. New windows, fire separation walls will be installed. No expansion of the building footprint is proposed, the building will contain 2,122 SF on both the first and second floors, totaling 4,244 SF for the entire building. Seven parking spaces will be provided, meeting the ordinance requirement for the three apartments, two one-bedroom and one two-bedroom. The first floor will be used for storage by the residences,

and the entire building will be used for the residential apartments. Six spaces are required and the applicant has provided seven onsite.

Board Planner Graviano asked how the garage will be used; Mr. Lewandowski replied that it will be mostly storage, with designated stalls for each residence. Mr. Graviano recommends that any approval be conditioned on the first floor not being used for commercial purposes, and that the asphalt be removed on the side of the building curb cut on the left side be removed, yard area be planted for the use of the residents. The Applicant agreed to comply with these conditions.

At the conclusion of the testimony, the Chair opened the hearing to interested parties. Marjorie Mitchell, adjacent neighbor, asked if the proposed parking stalls will be individually accessible or stacked, Mr. Iannarella stated that they will be individually accessible. Mr. Iannarella then provided a closing statement in which he stated that the requested use variance relief should be granted, as the surrounding neighborhood is surrounded by single-family houses and therefore the proposed residential use is consistent with the area and the site particularly suited therefore. Mr. Iannarella argued that the proposed residential uses will have no substantial detriment on the zone plan or zoning ordinance because the minimum parking requirement is met, and the residential use is less intensive than permitted commercial uses. Mr. Iannarella further argued that the proposed residential conversion will advance the purposes of zoning by providing residential housing in an appropriate area that is already surrounded by residential uses.

Mr. Graviano requested and the Applicant agreed to comply with the remaining recommendations of his review letter, dated October 18, 2024, including the provision of a refuse enclosure constructed of a solid material matching the building façade, and the provision of additional landscaping to shield the parking area from Sargeant Avenue, the closure of the Sargeant Avenue curb cut, the provision of one EV make-ready parking space, and the payment of any additional development fees required by Ordinance.

Commissioner Foukas made a motion to approve the application, subject to the stipulations recommended by the Board Planner and compliance with the review letters of the Board professionals. Commissioner O'Connor seconded the motion. Voting in favor are Commissioners Eisenman, Braid, Eramo, O'Connor, Molner, Foukas, and Vice Chairman Scorziello.

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

Mr. Iannarella put his appearance on the record, and provided an opening statement that the Applicant is requesting approval to construct a new two-story mixed use building with five residential units on the second floor and a parking garage, retail space, utility rooms and main entrance lobby on the first floor. Existing building will be removed and a new building will be constructed. Mr. Iannarella called his first witness, architect Thomas Bonarch, who provided his qualifications, which were accepted by the Board in the field of architecture. He described the proposal as a 6000 SF building, 2.5 stories, intended to occupy most of the site. Ground level will be a parking garage under the apartments. The first floor will have retail space, similar to the existing building. There are multiple mixed use buildings throughout the neighborhood, a good opportunity for commercial space, to serve uses such as a small deli, coffee shop or professional office. Second floor will contain five apartments, four two-bedrooms and one one-bedroom. The

new building will be similar to the footprint of the existing building. They are proposing 0' setback along Fourth Street.

Mr. Bonarch testified that after consultation with the Board Planner, they will push the building back to meet the required rear yard setback of 10 feet. Mr. Bonarch testified regarding the proposed building façade. Proposed building height varies but the highest point is 33 feet. Height complies with the zoning ordinance.

Mr. Graviano requested that the applicant remove the awnings overhanging into the public ROW; discussion about this, applicant agreed to comply. The current building has one apartment and two retail commercial spaces. 10 parking spaces are proposed; two will be reserved for each apartment and the retail will be served by the onstreet parking. Retail or office space could be approved as a condition

Cmr. Eisenman asked if there is any parking currently onsite. Mr. Iannarella stated that there is some parking onsite, 4 or 5 spaces, not laid out/striped. Discussion about the proposed uses; applicant proposed coffee shop but was told this would require a second variance.

Cmr. Eisenman left the dais at 7:43 p.m.

Cmr. Molner asked why the applicant is proposing so many variances in connection with the proposed building. He stated that he believes that the project is too large for the site and proposes too many variances.

Interested Parties:

- Rhea Decker, asked about the 2-car garage, which Mr. Bonarch testified will be removed, it is directly on the property line, will be removed and will be pushed back along the property line. Ms. Decker asked where the commercial uses will park. This is a very congested area, they have no parking overall.

Ms. Sweet asked the Applicant to clarify the parking spaces required and proposed; Mr. Iannarella stated that they are proposing 10 spaces, 2 each to be reserved for residents. 13 spaces are required

- Shahid Hafeez, says this is too large a development for the site, echoes Cmr. Molner's concerns. Current use of the property is a commercial use, automotive, they are using the site presently overnight, the garage is being used for some other use at night. His concern is that this is overkill- five residential units and 10 parking spaces are too much for the site.
- Nazim Urgan, stated his complaints about the existing uses, which generate lots of traffic, two tow-trucks, traffic problems, fixes cars, big problem, too many people there.

Mr. Iannarella stated that they are going to improve the site and remove the garage, no automotive uses at the property. Mr. Bonarch testified that the parking will be reserved for the

residents, two spaces for each apartment. The retail or office uses will use on-street parking. Parking spaces will be located under the building.

- Gaudencio Rodriguez stated that he does not think that this is a good project for this site. Parking is not adequate.
- Valdean Decker, 232 East 4th, asked about where any overflow parking might go. East 4th Street is packed to the gills. This is too large a proposal for this property.
- Nicole Texidor—right now with the one unit upstairs and the beauty salon, this area is already congested and there are issues with the neighborhood parking, this is too large a project for the site. If you keep it as is, fine, but if you add more, it will be detrimental to the neighborhood
- Isaias Roa- his concerns is the same as the neighbors, there is a crisis with parking in the area, he owns the property on the corner of East 4th, it was a less congested area, but now it is getting worse, bringing this project to our neighborhood, it will be overkill, no parking available.
- Charles Pelech III, stated he has been living there for 46 years, if he didn't have a handicapped reserved spot, he wouldn't be able to park in his neighborhood, there is no room.

Commissioner Molner stated that the project should be reduced in size and additional parking provided. He did not realize that they are short three spaces for the retail. Mr. Iannarella stated that the retail would close so there wouldn't be conflicts. Mr. Iannarella stated that his office is nearby and clients park on Lakeview. There is an abutting residential zone. Permit parking only for residents. Not all of these homes have driveways, they now have permit parking on streets. Mr. Iannarella stated that the applicant would be agreeable to having residential permit parking only. The overnight residential parking is accommodated onsite. Cmr. Molner suggested that the project be reduced and additional parking be added. The coverage variance is a function of the second floor. There are two commercial spaces and one residential space existing.

Mr. Bonarch stated that he can reduce the retail space by 50% to add two more parking spaces, create a studio apartment, add two more parking spaces, eliminate the retail space. Vice Chairman Scorziello asked that the plans be revised. Cmr. Eramo stated that the coverage is quite high, so there should be an attempt made to meet with the coverage. It would be necessary to submit a revised plan; the applicant agreed to revise the plan and discuss with Mr. Graviano prior to the next hearing date, which was scheduled for December 4, 2024, no further notice to be provided.

NEW HEARINGS

4. MICHAEL SIEGEL 45 Laurel Ave. Bl. 50.11, Lot 5, Zone RA-2

Dominic Iannarella, Esq. appeared on behalf of applicant Michael Siegel and stated that the Applicant is proposing an addition to existing single-family home which will require the following bulk variances; front yard setback proposed at 25' where 30' required, side yard setbacks proposed at 4.4' and 5' where 6' required, combined side yard setback proposed at 9.4' where 16' required, rear yard setback proposed at 30.2' where 35' required, and lot coverage

proposed at 37% where 30% required, as well as 2 ½ stories where 2 stories is the maximum permitted. Mr. Iannarella stated that the application was filed prior to the change in the height ordinance. Michael Siegel testified that the existing house has pre-existing nonconforming setbacks on both sides, and he is seeking to continue the existing nonconforming setbacks to construct the proposed addition. The western side yard setback of 5' will be extended to the front of the property, and the eastern side yard setback of 4.5' will be continued to the rear of the property. The addition to the western side of the house will extend around the front, and a new covered front porch of 41.3 square feet will be constructed, which porch will extend into the required 30' front yard setback by 5', creating a new variance condition for the proposed front yard setback at 25' where 30' is the minimum required. Mr. Iannarella stated that the proposed addition will create a new half-story, requiring a height variance, where a maximum height of 2 stories is permitted and 2 ½ stories is proposed; the proposed height measures 27' based on the time of application rule/submission date under the prior height definition ordinance, which conforms to the maximum height of 30 feet permitted by ordinance.

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

5. TIMOTHY WISNIEWSKI 625 Van Houten Ave., Bl. 43.01, Lot 23, Zone B-C

Dominic Iannarella, Esq. appeared on behalf of applicant Timothy Wisniewski, and entered his appearance on the record, stating that he would be presenting the testimony of one witness, architect Michael Capo, and that Mr. Capo had made an adjustment to the filed plan, as depicted on an exhibit handed out to the Board, a revised full-sized architectural plan dated October 16, 2024, which was marked in evidence as Exhibit A-1.

Mr. Iannarella provided an opening statement that that this property was the old Acme pawnbroker on Van Houten, the Applicant would like to modify the building to provide for first floor office use and one new apartment for the owner's personal use as his residence and his accounting office, while second floor would remain unchanged as two apartments. A parking variance is also being requested since no parking is available on site.

Mr. Capo testified that the changes shown on Exhibit A-1 involve a recalculation of the first floor square footage, with the proposed one-bedroom apartment at the rear of the first floor will contain 749 square feet as shown on A-1, and the proposed office at the front of the first floor will contain 559 square feet. There is an existing basement to be used for storage/mechanicals. Access to the residential apartments will be through a side door on the southern side of the building. There are two two-bedroom apartments on the second floor. A parking variance is required; nine off-street parking spaces are required, but there is no parking available onsite. This is a pre-existing nonconforming condition. The prior use of the first floor was retail; the conversion of the first floor to office space and a one-bedroom apartments, this reduces the parking requirement by one space. There will be no changes to the building footprint; all modifications will be interior.

Board Planner Graviano confirmed that the parking requirement will be reduced by one spot, improving the pre-existing nonconforming condition. Mr. Graviano further requested that the Applicant comply with the comments of his review letter regarding improvements to the façade, and that a façade improvement plan be submitted during resolution compliance subject to his approval, and suggested that the Applicant consider a decorative metal on the front façade/freize, as well as new paint to dress up the building.

Mr. Iannarella provided a closing statement in which he argued that the use variance should be granted, as converting the prior retail space to residential and office will improve the pre-existing nonconforming parking deficiency on the site. It will be an owner-occupied use, low-intensity, and the façade improvements will provide an aesthetic benefit to the neighborhood.

Commissioner Braid made a motion to approve, subject to compliance with the stipulations recommended by Mr. Graviano, commenting that the proposed improvements will be a benefit to the neighborhood and reduce the parking nonconformity. Commissioner O'Connor seconded the motion. Voting in favor are Commissioners Braid, O'Connor, Molner, Foukas, and Vice Chairman Scorziello. Voting against: Commissioner Eramo, who commented that she does not believe it is wise to add residential use to a site without parking.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. **AMEER SIGNS, 1240 Main Ave., Bl. 11.16, Lot 2; Zone: BC**
Dismissal without prejudice of application for sign variances on property located within the Main Avenue Overlay District.

Commissioner Molner moved to approve the resolution, Cmr. O'Connor seconds. Voting in favor are Commissioners Braid, Eramo, O'Connor, Molner, Foukas, and Vice Chairman Scorziello.

2. **MITCHELL TISCHLER 35 Lehigh Ave., Bl. 70.04, Lot 18; Zone: RA-3**
Dismissal without prejudice of application requesting variances from the minimum front yard setback and maximum height (stories) requirements for construction of an addition to a single-family residence.

Commissioner Molner moved to approve the resolution, Cmr. O'Connor seconds. Voting in favor are Commissioners Braid, Eramo, O'Connor, Molner, Foukas, and Vice Chairman Scorziello.

3. **NEW HOPE SCHOOL, 76-78 DeMott Ave., Bl. 12.15, Lot 23, Zone: R-B1**
Dismissal without prejudice of application for preliminary and final major site plan approval, D(3) conditional use variance and bulk variance relief to relocate a private K-8th grade school to a property containing an existing church and fellowship hall.

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

4. **VANIA NETTLEFORD**, 27 Althea St., Bl. 43.04, Lot 28, Zone: R-B1
Approval of D(2) variance relief for expansion of pre-existing nonconforming multifamily apartment building and bulk variance relief from the minimum driveway setback requirement to extend existing driveway and construct additional parking in the rear yard.

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

5. **PB NUTCLIF MASTER LLC**, 10 Metro Blvd/340 Kingsland St., Bl. 80.02, Lot 3, Zone: M-3
Approval of application seeking preliminary and final major site plan approval, a (d)(1) use variance to permit the proposed cafe/restaurant and private roadway/street, (c) bulk variances, 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.

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

6. Minutes of the October 23, 2024 Regular Meeting

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

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner Braid, with the unanimous approval of all Board members present, the meeting was adjourned at 8:33 p.m.

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