

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
November 20, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

GRACE ROBOL (2A)
AVRAHAM EISENMAN (1A) (left at 7:19 p.m.)
DAVID BRAID
ALESSIA ERAMO
MICHAEL MOLNER
GEORGE FOUKAS
VICE CHAIRMAN SCORZIELLO
CHAIRMAN MARK 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 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
Chairman Zecchino announced that the application has been carried to December 4, 2024, at the Applicant’s request, with no further notice.
3. **BMJR REALTY LLC**, 423 Lakeview Ave., Bl. 1.16, Lot 1; Zone BC
Continued from 11/6/24 (all eligible except Chairman Zecchino and Cmr. Eisenman)
Chairman Zecchino announced that the application has been carried to December 4, 2024, at the Applicant’s request, with no further notice.

NEW HEARINGS

1. ADAM HERSCH, 11 Rosemawr Pl.; Block 50.09, Lot: 2; Zone RA-2

Adam Hersch appeared *pro se*, and he introduced Douglas Battersby, AIA, the architect who designed the plans. Mr. Hersch testified that he is seeking to construct an addition to his single-family home; they purchased the home this summer and love living there. They have four children, ages 2-9 and another one on the way, due next year. The only issue they have with the house is that it is a bit too small for their large family. They want to construct a second-floor addition to the house to add a few more bedrooms and bathrooms.

Mr. Battersby then testified regarding the technical information, stating that this is currently a 1.5 story house, they are proposing to construct a second floor to the house, no increase in any of the existing nonconformities: front yard setback proposed at 22.9' where 30' required, side yard setback proposed at 5.1' where 6' required, combined yard setback proposed at 12.1' where 16' required and rear yard setback proposed at 34.6' where 35' required. These are all existing numbers, they are simply taking the existing building footprint and building up, continuing the existing building line. Mr. Battersby then described the proposed alterations shown on the filed plans. He stated that this house was built in the 1940s/50s and is in good condition. No changes to the basement plan, will remain as-is, except perhaps for the addition of a column. Assistant Zoning Officer Bolcato noted that the existing divisions in the basement living area shown on the plans are pre-existing nonconforming conditions predating the adoption of the Ordinance prohibition against same, and are thus grandfathered in.

Chairman Zecchino asked Mr. Battersby to provide a fully rendered set of plans, as the sets provided to the Board were missing some of the plan details. Mr. Battersby supplied a fully-rendered set of plans, dated October 29, 2024, which were marked as Exhibit A-1 in evidence.

Commissioner Eisenman left the dais at 7:19 p.m. and did not return.

Cmr. Eramo asked for clarification as to the front yard setback measurement, noting that there is a pre-existing nonconforming condition as to the front yard setback shown on the plans at 21.2 feet, with a proposed front yard setback of 22.9 feet. Mr. Battersby stated that the existing front yard setback of 21.2 feet indicated on the zoning table refers to the existing front portico and landing, which is not being changed. Mr. Battersby further clarified that the proposed front yard setback of 22.9 feet refers to the variance condition created by the proposed second floor but noted that the building line will remain consistent with the existing building line of the first floor, which is presently a pre-existing nonconforming condition of 22.9 feet where 30 feet is required. Mr. Battersby again confirmed that the variance conditions are all pre-existing nonconforming conditions resulting from the location of the existing house on the property and the undersized nature of the lot, which is deficient as to

required minimum lot area (6,000 square feet existing, where 6,600 square feet is required) and depth (93.5 feet existing, where 100 feet required).

At the conclusion of the testimony, Commissioner Foukas made a motion to approve, stating that the variances are all for pre-existing nonconforming conditions that are not being exacerbated; Commissioner Eramo seconded the motion. Voting in favor are Commissioners Robol, Braid, Eramo, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

2. GARY HUGHES, 128 Harrington Rd., Bl. 55.09, Lot: 47; Zone: RA-3

Applicant is proposing a driveway extension which will require the following bulk variance; proposed at 1' from property line where a 5' buffer is required.

Gary Hughes appeared *pro se* and testified that he is seeking a variance from the driveway setback requirement so that he can expand his existing one-car driveway, presently 10' x 30', and extend it lengthwise to provide for additional off-street parking on the property.

Mr. Hughes presented a series of three photos showing the existing driveway and property, taken by him, which was marked in evidence as Exhibit A-1. Ms. Bolcato confirmed that the driveway is a pre-existing nonconforming condition with a 1' setback to the northern side property line. Mr. Hughes is simply seeking to extend the driveway back to the privacy fence to provide additional parking on his property.

Cmr. Foukas asked if there are any problems with drainage; Mr. Hughes said no. Vice Chairman Scorziello asked if the drainage pipe shown in A-1 will have a connection to a drainage pipe under the new driveway extension; Mr. Hughes said no but the driveway will pitch to the backyard, and all drainage will collect on his property. Chairman Zecchino asked Mr. Hughes if he is willing to install Belgian block curbing along the side of the driveway closest to his neighbor's property to keep any driveway runoff on the subject property; Mr. Hughes said that his contractor could install the Belgian block curbing along the side and agreed to comply.

At the conclusion of the testimony, Vice Chairman Scorziello made a motion to approve, subject to the stipulation as agreed to at the hearing that Belgian block curbing will be installed along the side of the driveway to keep all runoff on the Applicant's property, which motion was seconded by Commissioner Molner. Voting in favor are Commissioners Robol, Braid, Eramo, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

3. STEVEN & JODY COLUCCI, 28 Grant Ave., Bl. 17.05, Lot: 24; Zone: RA-3

Steven and Jody Colucci appeared *pro se*. Mr. Colucci testified that they are nearly lifelong residents of Clifton and own a house at 28 Grant Avenue, and it is time for them to expand the house or move, and they would prefer to stay. They are seeking to add more living space and enlarge the kitchen to make it an eat-in kitchen, and add a second full bathroom. They

are proposing to construct a one-story rear addition to an existing single-family dwelling which will require the following bulk variances; side yard setback proposed at 4.33' where 6' required, combined side yard setback proposed at 9.16' where 16' required, rear yard setback proposed at 30.1' where 35' required, lot coverage proposed at 29.6% where 27% required, and driveway proposed at 4.83' where 5' required. Mr. Colucci stated that they are proposing to maintain the existing building lines, and the variances required are created by the location of the existing house on the property. Mr. Colucci further stated that the existing concrete ribbon driveway will be resurfaced and replaced with an asphalt driveway, bordered with Belgian block curbing to the east, and will extend to the existing building line/side yard setback of 4.83 feet to the eastern property line, requiring a driveway setback variance of 4.83' where 5' is the minimum required. The proposed addition will also require a new variance from the rear yard setback requirement of 35', where 30.10' is proposed.

At the conclusion of the testimony, Cmr. Molner stated that the application is really about maintaining the existing building lines and made a motion to approve the application, which was seconded by Commissioner Braid. Voting in favor are Commissioners Robol, Braid, Eramo, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. **TFJ HAZEL LLC**, 252 Hazel Street and 237 West 3rd Street; Block 16.11, Lots 1 and 2; Zone: R-B2

Denial of application for preliminary and final major site plan approval, a D(3) conditional use variance, a D(6) height variance, and bulk variance relief to repurpose and modify the existing two- and three-story, vacant, nonconforming manufacturing / industrial building to be utilized as a private charter school.

Vice Chairman Scorziello made a motion to approve the Resolution of Denial; Commissioner Molner seconded the motion. Voting in favor are Commissioners Eramo, Molner, Foukas, Vice Chairman Scorziello, and Chairman Zecchino.

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

Approval of application for bulk variances from the minimum rear yard setback, minimum combined side yard setback, and maximum lot coverage requirements to construct a new two-story addition to a single-family residence.

Cmr. Molner made a motion to approve the Resolution, seconded by Vice Chairman Scorziello. Voting in favor are Commissioners Braid, Molner, Foukas, and Vice Chairman Scorziello.

3. **DG INVESTMENT LLC**, 155 Sargeant Ave., Bl: 36.07, Lot 1; Zone M-2

Approval of application for D(1) use variance for the expansion and conversion of an existing commercial building to be used as a 3-family residence.

Commissioner Foukas made a motion to approve the Resolution. Commissioner Molner seconded the motion. Voting in favor are Commissioners Braid, Eramo, Molner, Foukas, and Vice Chairman Scorziello.

4. **MICHAEL SIEGEL**; 45 Laurel Ave. Bl. 50.11, Lot 5, Zone RA-2
Approval of application for bulk variances from the minimum front yard setback, side yard setbacks (individual and combined), rear yard setback, and maximum lot coverage requirements to construct an addition to existing single-family home.

Commissioner Foukas made a motion to approve the Resolution, Commissioner Molner seconded the motion; voting in favor are Commissioners Braid, Molner, Foukas, and Vice Chairman Scorziello.

5. **TIMOTHY WISNIEWSKI**, 625 Van Houten Ave., Bl. 43.01, Lot 23, Zone B-C
Approval of application for D(1) use variance and bulk variance relief from the minimum parking space requirement to expand the residential portion of an existing non-conforming mixed used building, in order to convert the first-floor commercial space into an office and apartment, and to maintain the two existing second floor apartments.

Commissioner Braid made a motion to approve the Resolution; Commissioner Molner seconded the motion. Voting in favor are Commissioners Braid, Molner, Foukas, and Vice Chairman Scorziello.

6. Minutes of the November 6, 2024 Regular Meeting

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

There being no further business before the Board, Commissioner Foukas made a motion to adjourn. The motion was seconded by Commissioner Braid, with the unanimous approval of all Board members present, the meeting was adjourned at 7:37 p.m.

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