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

COMMISSIONERS PRESENT:
GRACE ROBOL (2A)
AVRAHAM EISENMAN (1A)
ALESSIA ERAMO
MAUREEN O'CONNOR
MICHAEL MOLNER
VICE CHAIRMAN SCORZIELLO
CHAIRMAN ZECCHINO

ALSO PRESENT:
Liana Bolcato, Asst. Zoning Officer
Jessica Sweet, Esq., Counsel/Secretary
Nicholas Graviano, P.P., Board Planner
Anthony Kurus, P.E., Board Engineer

Chairman Zecchino called the Meeting to Order at 7:10 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.

TONIGHT'S 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 read correspondence, dated December 4, 2024, from counsel for the Applicant requesting that this application, originally scheduled to be continued tonight, be carried to January 8, 2025, with no further notice.

2. **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 read correspondence from counsel for the Applicant has requested that this application originally scheduled to be continued tonight, be carried to the next available Board meeting, with no further notice. The next available Board meeting is January 8, 2025;

Chairman Zecchino announced that the hearing will continue on that date, with no further notice to be provided.

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

The applicant is seeking approval for a use variance to convert the existing vacant office space for use as a proposed area for the growing of herbs. The said herbs are to be sold wholesale as food garnishments for restaurants. The remainder of the said floor space is in conjunction with the ground floor automobile repair business. The existing building is currently partially occupied by the automobile repair business. The remainder of the second floor is vacant, which the occupant intends to operate the proposed business. The applicant is not seeking any additions to the building and is not requesting any new variances.

Alfred Acquaviva, Esq., entered his appearance on behalf of Applicant Dua Grees, LLC and stated that he will be presenting the testimony of three witnesses, all of whom were sworn. Mr. Acquaviva stated that he will have the owner of the business testify first, and stated that the business is involved with providing and growing herbs for sale to local restaurants. Mr. Shpend Zhuja testified that Dua Greens is a microgreen farm that grows herbs for delivery to restaurants; he has one employee. Deliveries are made to local chefs by passenger vehicle; the herbs are packed in plastic clamshells for delivery. He is seeking approval to expand the work area of the business in the second floor of the existing business. Mr. Zhuja stated that he grows basil, parsley, fennel, and other similar herbs. He has one partner; they grow the herbs indoors under lights. They have approximately 50 customers and have been in business for two years.

Mr. Acquaviva then called architect Michael Romanik who testified regarding the architectural plans; sheet 1 shows the existing conditions on the ground floor, which contains an automotive repair facility and will not be changed. Sheet 2 shows the existing layout of the second floor of the building, the spaces labeled as "H" are the proposed herb-growing rooms. The three spaces labeled "A" are used for storage of auto parts. No changes to the second floor are proposed. Each of the "H" rooms are approximately 589 square feet. Sheet 3 shows the existing elevations of the building; no changes are proposed to the exterior elevations of the building. No changes whatsoever to the floor level or any of the elevation. The only change proposed is the use of the rooms. Vice Chair Scorziello asked about the plant-growing operation and whether there will be anything set up there that is not there now. Mr. Romanik stated that the rooms contain lights and tables; the plants are planted in the rooms and grown there; at harvest, they are removed and distributed. Mr. Zhuja described the growing operation in greater detail, stating that he requires approximately 50 gallons of water once a week; they do not have an automatic watering system. They grow about 100 clamshells worth/approximately 200 trays. About one week to harvest; all the plants are on trays. No heat lamps are required. The building/rooms are heated and cooled. Commissioner Molner asked to clarify the purpose of this application; Mr. Acquaviva stated that the applicant learned he needed to come to the Board to obtain variance relief in order to get the business license. The business has been active and growing for two years. The process before the Board was triggered by the health inspection. The applicant is currently using the space and is now seeking approval to continue.

Thomas Stearns, PE, testified regarding the site plan details shown on the filed engineering plans, which he prepared. He stated that the site is 17,634 SF, an existing flag lot with a 22-foot x 72’ driveway. Currently the property contains a parking area and a two-story brick masonry building containing a garage/mechanic shop on the first floor. On the easterly side of the property, there are 5 sheds used by the mechanic shop. The operation has haphazard parking in a large driveway area. Mr. Stearns testified that he proposed striping on the plan to assign parking; one ADA space is shown. All spaces will have bumper stops. The site is surrounded by a chain-link fence. The proposal is to use only the second floor. The applicant currently parks on the street, there is ample parking on the street. Mr. Stearns testified that he proposed a dumpster on the plan; the dumpster is wheeled out to the curb for collection. Mr. Stearns stated that there are 13 parking spaces shown on the site plan, which includes 3 garage bays. Mr. Graviano stated that this application does reduce the parking demand on the site, as the indoor growing operation has a lesser parking requirement than the prior office use, but noted that the parking calculation should be revised to omit the 3 garage bays, resulting in the need for a parking variance, where 12 spaces are required and 10 are provided. Mr. Graviano recommended that any approval should contain a condition that there will be no off-street parking for the business, all parking should be contained onsite. Mr. Graviano stated that he has no problem with the parking variance or the proposed variance relief. In response to a question from Mr. Graviano, Mr. Zhuja stated that there will be no signage proposed.

Mr. Stearns then reviewed the zoning table and noted various pre-existing nonconforming conditions, including the front yard setback, northern side yard setback, and the rear yard setback, none of which will be changed as a result of this application.

At the conclusion of the testimony, Commissioner Molner made a motion to approve the application, subject to the stipulation that there be no onstreet parking utilized by the businesses; Commissioner Eisenman seconded the motion. Voting in favor are Commissioners Robol, Eisenman, Eramo, O’Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

<u>NEW HEARINGS</u>

1. CORRADOS REAL ESTATE LP, 1578 Main Ave.; Block 9.10, Lot: 7, 8, 9, 10 & 15; Zone B-C

Applicant is seeking a use variance for a proposed fitness center in a B-C zone, site plan approval for an addition and alterations to the existing building, and any other variances as required or deemed necessary by the board.

Dominic Iannarella, Esq., entered his appearance on behalf of Applicant Corrados Real Estate LP, and stated that he would be providing the witness testimony of George Held and Bruce Rigg, both of whom were sworn. Mr. Iannarella stated that he would fist provide the testimony of Mr. Held, who stated that the property is located in the BC zone at 1578 Main Ave, just south of W 2nd St, it is an existing shopping center 56,800 SF, containing five individual tenants, a mix of uses. The proposal is to relocate Planet Fitness located at 600 Main Ave to this site in order to facilitate a future expansion of the 600 Main Ave building/redevelopment. They do not have a new tenant yet but intend to redevelop it in the future. Corrados owns both buildings; they want to relocate Planet Fitness to 1578 Main to keep this gym use in the same general area. The proposal before the board is to add 8000 SF of a new addition and swap out about 10,000 SF of the existing retail use to provide the 18,000 SF that Planet Fitness requires. The Corrado Supermarket facility will be reduced and the seven loading docks that presently exist are sufficient to serve the uses. Planet Fitness does not require a loading dock.

The new ordinance governing signage in the Main Ave Overlay District limits the amount of signage that is permitted. The ordinance requirement of 5% maximum for the signage would not be sufficient for the existing/proposed center, as the site has frontage on several roads. The Main Ave. frontage would permit only 117 sf of signage, where they presently have 89 SF of signage. They are also below the signage requirement on the Avenue frontage. Signage Exhibit marked as A-1. Mr. Held broke down the signage by frontage, and stated that given the numerous frontages, the signage is respectful and does not appear to require variance relief. Mr. Held then provided another photograph showing the existing Planet Fitness signage, marked as A-2; and another exhibit, marked as A-3 showing the proposed Planet Fitness signage proposed here. Mr. Graviano confirmed that the only variance required for signage would be for the letter height, which he stated he believes is reasonable given the fact that the ordinance is intended for downtown properties fronting on Main and this is signage within a parking lot.

Mr. Held stated that the proposed addition will be entirely on top of an existing parking area; no new impervious coverage. Mr. Graviano remarked that this is really a swap- 9000 SF of retail for 9000 SF of gym, which have the same parking requirement. Mr. Held stated that they will not require a parking variance, as they are proposing one more space than what is required.

Mr. Rigg was then called and provided his qualifications, which were accepted by the Board as an expert in the field of site engineering. Mr. Rigg testified regarding the site plan, site has frontage on Main, 2nd St., Getty Ave., and the GSP. The site plan shows the relocated driveway, being moved south to provide parking on the site. Regarding parking, 302 spaces are required; 303 are provided. Eight loading spaces are required; 7 are provided. Overall impervious coverage will be reduced by 5000 SF. The area of the addition will is paved with parking and loading spaces, but the area that is not building will be landscaped. All improvements will be confined to the Getty Avenue frontage. Mr. Rigg testified regarding the proposed drainage and site improvements. The Getty Avenue crosswalk will be relocated to prevent any interference with the proposed new driveway to Getty Ave. Addressing landscaping shown on sheet 4, Mr. Rigg testified regarding the proposed shade trees and landscaping along Getty Avenue; this will be an improvement over existing conditions and will make the site appear more pleasing from the street. A mix of trees, shrubs, flowering plants, and grasses is proposed.

Mr. Kurus asked about the existing parking count; Mr. Rigg stated that the existing parking is more than required and they will meet the requirement once the addition is constructed. Total building square footage is 73,109 proposed; 63,240 existing. An 8-foot wide access driveway around the rear of the building is proposed for use by tenants using forklifts or handtrucks to be able to access the loading docks in the rear of the property. This proposed access drive/path will be moved closer to the building, away from the sidewalk (as recommended by the Board's professionals) and landscaped/screened. Mr. Kurus described this as a utilitarian path for use by tenants to access the rear loading docks; as long as it is not used by vehicles or trucks. Cmr. Eisenman asked about the access to the loading docks; Mr. Rigg stated that trucks presently access the loading dock via Getty Avenue so there are no conflicts.

Mr. Held testified that the site is particularly suited for the proposed gym use because the gym is already only 500 feet away from the proposed site, the infrastructure is there. The uses are complementary. The BC zone omits gyms. This is a gym that has worked well in this neighborhood and they are moving it only 500 feet away. Important neighborhood use.

The existing gym is in the M-3 with PCOD zone and was the subject of a prior use variance approval granted by this Board approximately 12 years ago. It has functioned well in that location but now the relocation is necessary to facilitate the redevelopment of the other site. The gym hours are 6 am to 10 pm.

Mr. Iannarella provided a closing statement in which he urged the Board to approve the application, stating that the fitness center is a valuable use that has existed in this location for many years and is a needed use in the community.

At the conclusion of the testimony, Commissioner Molner made a motion to approve the application, subject to the stipulation that the Applicant comply with the recommendations contained in the reports of the Board Planner and Engineer, and that the gym hours of operation remain the same. Board Planner Graviano advised that the rear yard setback variance to the West 3rd Street right-of-way stub indicated on the plans is unnecessary, as he recommends that the Applicant intends to work with the City Law and Engineering Departments to vacate this right-of-way. Commissioner Eisenman seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MEMORIALIZING RESOLUTIONS

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

APPROVAL of application for bulk variances from the minimum required front yard, side yard (single and combined), and rear yard setback requirements to construct an addition and alterations to an existing single-family home.

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

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

APPROVAL of application for bulk variance from the minimum driveway setback requirements to extend an existing driveway at a single-family home.

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

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

APPROVAL of application for bulk variances from the minimum side yard (individual and combined), rear yard, and driveway setback requirements, and maximum lot coverage requirement to construct a one-story rear addition to an existing single-family dwelling.

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

LEGAL NOTICE OF 2025 MEETING SCHEDULE

1. Legal Notice listing Zoning Board of Adjustment meetings for calendar year 2025.

   Commissioner O'Connor made a motion to approve the proposed 2025 Meeting Schedule, which was seconded by Vice Chairman Scorziello, and unanimously approved by voice vote of all members present.

APPOINTMENT OF ZONING BOARD PROFESSIONALS

1. Counsel Secretary

   Chairman Zecchino stated that Ms. Sweet has unfortunately resigned as Board Counsel Secretary and that an RFQ has been published to fill the position for 2025; the Board will be accepting qualifications for the position through December 13, 2024 and will conduct interviews and make a determination by the December 18, 2024 regular meeting.

2. Planner
   Vice Chairman Scorziello made a motion to approve the proposal and reappoint Nicholas Graviano of Graviano & Gillis Architects & Planners LLC as Board Planner for the calendar year 2025. Commissioner Molner seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

   Mr. Graviano thanked the Board and stated that it is a real honor to continue to serve as Planner.

3. Engineer
   Commissioner Molner made a motion to approve the proposal and reappoint Neglia Engineering Group as Board Engineer. Vice Chairman Scorziello seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.
   Mr. Kurus thanked the Board for their consideration.

4. Landscape Architect
   Commissioner O'Connor made a motion to approve the proposal and reappoint Neglia Engineering Group as Landscape Architecture Consultant to the Board. Vice Chairman

Scorziello seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

Mr. Kurus thanked the Board for their consideration.

5. Traffic Consultant
   Commissioner Molner made a motion to approve the proposal and reappoint Neglia Engineering Group as Traffic Engineering Consultant to the Board. Commissioner Eisenman seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

   Mr. Kurus thanked the Board for their consideration.

6. Certified Shorthand Reporter
   Commissioner Eisenman made a motion to approve the proposal and reappoint Laura Carucci, CSR as Certified Shorthand Reporter to the Board. Commissioner Molner seconded the motion; voting in favor are Commissioners Robol, Eisenman, Eramo, O'Connor, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

ADOPTION OF MINUTES

1. Minutes of the November 20, 2024 Regular Meeting
   Commissioner Eramo made a motion to approve the Minutes, which was seconded by Vice Chairman Scorziello; voting in favor are Commissioners Robol, Eramo, Molner, Vice Chairman Scorziello, and Chairman Zecchino.

There being no further business before the Board, Commissioner Eisenman made a motion to adjourn. The motion was seconded by Commissioner O'Connor, with the unanimous approval of all Board members present, the meeting was adjourned at 8:19 p.m.

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