

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
January 22, 2025
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

NOEL PEREZ (2A)
GRACE ROBOL (1A)
DAVID BRAID
ALESSIA ERAMO
MAUREEN O'CONNOR
VICE CHAIRMAN MOLNER
CHAIRMAN ZECCHINO

COMMISSIONERS ABSENT:

AVRAHAM EISENMAN
GEORGE FOUKAS

ALSO PRESENT:

Nicholas Graviano, P.P., Board Planner
Anthony Kurus, P.E., Board Engineer
Liana Bolcato, Asst. Zoning Officer
Joseph M. Wenzel, Esq., Counsel/Secretary

Chairman Zecchino called the Meeting to Order at 7:04 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 2025 regular meeting schedule was published in the Herald News on December 11, 2024. 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.

CONTINUED HEARINGS

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

Chairman Zecchino advised that this application was carried to the February 19, 2025 meeting date. No further notice was required.

2. SPARK CAR WASH LLC, 25 Allwood Rd., Bl. 82.01, Lot 18.02; Zone: R-B1

Chairman Zecchino advised that this application was carried to the February 19, 2025 meeting date. No further notice was required.

3. GEELAND, LLC 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2

Continued from 2/7/24 (all eligible except Eisenman, Robol and Perez); 5/1/24 (all eligible except Braid, Robol and Perez); 6/19/24 (all eligible except Robol and Perez); 7/17/24 (all eligible except Eisenman, Robol and Perez); and 1/8/25 (all eligible)

Attorney Michael Sullivan entered his appearance on the record, and identified the property which is the subject of the application, and relief sought. Mr. Sullivan reiterated that the applicant's engineer was present at the last meeting can discussed those aspects of the plans. Mr. Sullivan indicated that the applicant would present its architect at this meeting.

William McGeever, architect, was sworn in and qualifications accepted by the Board. McGeever identified that the revisions to the plans were made on November 18, 2024. He discussed the general conditions of the property and that the height of the building was significantly reduced from prior submissions. McGeever also noted that he had reviewed all of the Board professional and City's department reports as to this application.

McGeever described the materials that would be used for the exterior and the layout of the building. He noted that the loading dock now is on the far side from the adjacent farm. The ground floor was redesigned as it is completely underground. There will be two elevators servicing the building to allow patrons access to their storage units. McGeever advised that the operating hours would be from 6AM to 10PM and would be open seven days a week, however, Sunday will likely be more limited hours. There will be a CCTV and security system in place so that parties entering and using the building will be monitored. McGeever noted that two to three employees will be present at any given time.

McGeever then discussed the sign package. He noted that there will be three signs on the building itself. These will face to the north, west and east but not to the south where the farm and residences are located. The signs to the north and west will be illuminated interiorly. The south facing sign on the Broad Street side of the building will be non-illuminated. There will also be a pole mounted sign towards Route 46 and McGeever advised that the applicant will work with the Board professionals as to the placement.

A series of color renderings of the proposed building from different angles was introduced as Exhibits A-15 to A-22. A-15 is the exterior facing Route 46. A-16 is a Google Maps photo of the current site from that vantage point. A-17 is a rendering looking at the building from Broad Street in full foliage. A-18 is the same rendering but in winter with lesser foliage. A-19 is a Google Maps photo of the current site from that vantage point. A-20 is a rendering looking at the building from the farm in full foliage. A-21 is the same rendering but in winter with lesser foliage. A-22 is a photo taken by McGeever about a year ago from the same vantage point. A-23 is an animation of walking from the one end of the farm to the other end and the building in view.

According to McGeever, this demonstrates that the building will be well screened. The lower two story height helps this as well. McGeever also chose the façade (brick and panel) to best blend into the background. This eliminates any smooth or shiny colors. The building will have a white roof to reduce heat absorption. Accent lighting was minimized to allow security but prevent spillage to neighboring properties. All lighting will be downward facing in compliance with City Code.

Commissioner Perez express concerns about light spillage. McGeever advised the light package was specifically chosen to avoid that.

Commissioner Eramo questioned the placements of curb cuts and utility poles. McGeever noted that will be worked out with the engineers and the NJDOT. Eramo also asked about the landscaping in the renderings and McGeever commented that most of it is existing on site.

Vice-Chair Molner confirmed that the HVAC system will be totally on roof, that it will be placed more toward the center of the building to avoid visual impact and that noise reduction systems will be used.

The floor was then opened to interest parties to ask questions of the witness.

Cynthia Hadjiyannis, Esq., attorney representing City Green— Hadjiyannis asked about the difference in square footage between the prior proposed building and this one. McGeever confirmed that the new building was about 14,000 square feet smaller. Hadjiyannis also had McGeever confirm that the number of total levels remained four, but that one level was completely underground and half of another was underground thus no longer qualifying as a story. McGeever noted that 326 storage units would be underground. Hadjiyannis questioned whether the levels underground should be considered as basements under City Code Section 461-64. She noted that under that provision, basements are to be for storage only and mechanical uses. McGeever disagreed that was applicable to this project as the Code is really meant to prevent residential habitation in the basement. McGeever noted that the Code does not provide clarity as to what a cellar is either. Hadjiyannis asked about the basement level configuration. McGeever stated that the height of the basement level was 12 feet and that the deepest part of the basement level was 22 feet under grade. McGeever testified that egress from the basement level would be by the two elevators or the two stairways. These are no more than 250 feet from any unit so safety is assured, and this standard is in place because the building is fully sprinklered. McGeever also agreed with Hadjiyannis that no hazardous chemicals or items can be stored on site and that employees will have to monitor this. Upon questioning by Hadjiyannis as to the building visual impact, McGeever restated that he was of the opinion that the building would largely blend into the background. Hadjiyannis also noted that some of the images appeared different from the current photos of the site. McGeever responded that the renderings are done to scale and that current images that do not match with the rendering are only slightly off.

Roy Ceccato, 678 Broad St. – Sticco asked about the overall change in height of the levels. McGeever noted that only the basement level went from 10 foot to 12 foot for engineering purposes. However, McGeever added that the change would not be noticeable because the level is in the ground. Sticco asked about the general depth of the building. McGeever, advising that he is not an engineer, did state that the building goes undergrade about 20 feet. Sticco expressed concern about the effect on the water table. McGeever retorted that the building will be encapsulated by a waterproof membrane to reduce the risk of infiltration, but that an engineer would answer the question more fully.

Ann Schnakenberg, 268 Washington Ave. – She asked about the difference in the overall number of storage units between the prior plan and this one. McGeever counted a reduction of 60 units. Schnakenberg questioned the accuracy of the rendering from the Route 46 side as it removed the utility poles entirely. McGeever advised that the poles will remain but that he was trying to show the building without obstructions. Schnakenberg also questioned the accuracy of the photos from the farm and Martindale Road. She asked if this only shows the best view rather than a true depiction. McGeever stated that these were the photos he took to try to be representative of the area.

Commissioner Perez questioned that the Route 46 depictions (A-15 and A-16) are in conflict as the lanes and poles are different. McGeever advised that it was from a similar vantage point.

Joan Jacobus, 73 Tristan Road – Had no questions just wanted to express her displeasure with the look of the building.

Doris Rascher, 678 Broad St.– Questioned McGeever on the accuracy of the Route 46 rendering. Rascher avers that the image is not similar at all.

Chairman Zecchino asked why there is a difference and McGeever responded that it was the best rendering that they could make and was only trying to show a general look. Chairman Zecchino felt the image was misleading and that a revised image should be submitted in place of A-15.

Rascher asked about the placement of the gate in the rendering which was identified. Rascher asked how units would be policed. McGeever stated that the owner would control that by the lease agreements and monitoring on site. Asked about whether U-Haul or other moving companies would be based on site, McGeever advised that they would not be and that the applicant would agree to that limitation as a condition of approval. However, McGeever added that a box truck about 26 feet in length would easily move around the site.

Commissioner Perez followed up as to whether there would be any vehicle storage on site and McGeever noted that there would be none.

Lisa Ciccone, 68 Martindale Road – Was sworn in and commented that the drawings were all inaccurate. She asked about the management of the site. She also inquired about the number of stories. McGeever noted that the employees on site would control operations. He also noted that the site is essentially two stories above grade with a step down as the building goes toward Broad Street. In effect the roofs will not be level with each other. Ciccone expressed doubts about the water table and soil erosion.

This application will be continued to February 5, 2025, no further notice will be given.

NEW HEARINGS

4. BYA Avenue B, 1132 Route 46, Bl. 44.04, Lot 22; Zone: B-D

Applicant's attorney Dominic Iannarella, Esq., introduced the project as applicant's desire to open a coffee shop in a strip mall area. This will require a d(3) conditional use variance. Iannarella noted that there will be one witness, the applicant's architect.

Applicant's architect, **Christopher Farnum**, was called and qualified to testify in the field of architecture. Farnum went over the floor plan and advised that this was typical for a small coffee shop. He noted that the exterior doors will remain. Farnum stated that the time of operation is planned to be between 7AM and 11PM, seven days of week. There will be 3 employees at any one time. Garbage will be collected in bags and place in a dumpster located in the far corner of the property. Farnum clarified that the dumpster will be screened per the City Code. Farnum provided that the sign is not finalized but that it will comply with the City Code. Limited cooking will be conducted on site as this will not be large meal preparations.

Board Planner Nicholas Graviano stated that as a condition of approval the trash enclosure should be solid screen not chain link fencing. The applicant consented to this. Graviano clarified that many of the conditions on site are pre-existing and this application presents no change to them.

The floor was then opened for all interested parties. None were present.

Iannarella summed up that the application meets both the positive and negative criteria for the approval of a d(3) conditional use variance.

Motion to approve the application with the condition of approval for the trash enclosure and signage compliant with the City Code was made by Commissioner O'Connor and seconded by Commissioner Braid. Commissioners Perez, Robol, Braid, Eramo, O'Connor, Vice-Chair Molner, and Chair Zecchino voting in favor (7-0). The application is approved.

5. Specialty Infusion, Inc., 646-648 Van Houten Ave. Bl. 37.01, Lot 20; Zone: PD-2

Applicant's attorney Dominic Iannarella, Esq., introduced the project as a renovation of a former bank building into a pharmaceutical offices. These will not be open to the public. This will require a preliminary and final site plan, d(1) use variance as well as a bulk variance for parking. Iannarella noted that there will be one witness, the applicant's architect.

Applicant's architect, **Michael Capo**, was called and qualified to testify in the field of architecture. Capo went over the status of the site and the interior renovations. Capo advised that no exterior changes would be made and the building footprint would remain the same. The former drive through window would be closed and the area under the canopy would be used for parking. The site would be open like other offices from 9AM to 5PM Monday through Friday.

Vice-Chair Molner asked about the ability to park under the canopy and Capo indicated that space is available for two spots.

Capo noted that there will only be 2 employees on site at any given time and there is no retail component. Capo advised that garbage generated from the site would be minimal. Also, Capo

opined that the requested use is appropriate for this district which largely has commercial uses on street front.

Board Planner Graviano stated that as a condition of approval the current directional signs should be removed as well as the current freestanding sign. Landscaping on site should be updated and improved as well.

Commissioner Braid expressed concerns about light spillage, but **Vice-Chair Molner** noted that a hedge row existed between the site and nearby senior housing which would eliminate that concern.

Commissioner Perez wanted to ensure that persons could traverse the site and Capo advised that outside walk areas would be unaffected.

Iannarella summed up that the site is well-suited for this new use and that parking will not be a problem due to the low intensity use.

Motion to approve the application with the condition of approval to remove signage and improve landscaping was made by Vice-Chair Molner and seconded by Commissioner O'Conner. Commissioners Perez, Robol, Braid, Eramo, O'Connor, Vice-Chair Molner, and Chair Zecchino voting in favor (7-0). The application is approved.

6. MAJR Holdings, LLC, 61 Lakeview Ave. Bl. 7.12, Lot 20; Zone: B-C

Applicant's attorney Dominic Iannarella, Esq., introduced the project as the applicant's request to add a new retail use to the site. The current physical therapy operation (which had previously been granted a d(1) use variance) would remain on the street front of the site. Iannarella noted that there will be one witness, the applicant's architect.

Applicant's architect, **Michael Capo**, was called and qualified to testify in the field of architecture. Capo went over the status of the site. The exterior would be unaffected. The rear portion of the building is vacant. This was going to serve as a storage area for the physical therapy but was never realized. The applicant seeks to place a retail use in that area. This would require 26 parking spaces which is above what can be provided on site. This will also require the relocation of exterior doors. Capo added that all signs would be in compliance with City Code.

On the issue of the deficient parking, Capo proffered that the parking works well because the physical therapy use is by appointment. There would be only one employee and one client vehicle at any one time. While the remaining spaces would be available for the retail. Capo believed that this shared parking would work out well.

Vice-Chair Molner asked about van usage of parking spaces. Capo noted that was not a common occurrence but area was available for that type of parking.

Commissioner Perez wondered about deliveries and space for same. Capó noted that those would occur outside of regular business hours. Board Planner Graviano added that there is no requirement for a loading space in this type of application.

Vice-Chair Molner asked about hours of operation. Capó responded that the hours are unknown at this point but would be set by lease.

Commissioner Eramo questioned how many actual spaces are in use when the physical therapy office is open.

Prashant Junankar, the applicant was called and sworn in. He advised that he owns and operates the physical therapy business. He stated that the lot is only full with maybe 3-4 vehicles if 2 employees and 2 clients are present, but this is rare. He believes that the lot will accommodate the retail use. He would also agree to keep the parking to only the physical therapy and retail operations.

Board Planner Graviano noted that the request is for a d(1) use variance to place two uses on one lot and a c or bulk variance for parking. He also opined about the potential conditions of approval to include cleaning up the façade and adding to the landscape buffer.

Iannarella summed up and stated that this proposed dual use of the lot is appropriate.

Motion to approve was made by Commissioner O’Conner which did not receive a second.

Motion to deny was made by Vice-Chair Molner and seconded by Commissioner Eramo. Before the vote, Vice-Chair Molner stated that the placement of two uses on one site was problematic. This was especially concerning because the parking area was very small compared to the potential parking needs. Chairman Zecchino added that as the end user of the retail space was unknown, it made it difficult to determine if the parking would be sufficient as some retail uses are more intense than others. Commissioners Perez, Robol, Braid, Eramo, Vice-Chair Molner, and Chair Zecchino voting in favor of the motion to deny; and Commissioner O’Connor voting against the motion. (6-1). The application is denied.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Amer Aburomi, 67 Rutgers Pl., Block: 27.10, Lot: 68 Zone R-A2 to expand the existing curb cut to 19' wide where 12' wide is required to accommodate a pre-existing non-conforming driveway.

Vice-Chair Molnar made a motion to approve. Commissioner O’Connor seconded the motion; voting in favor are Commissioners, Braid, Eramo, O’Connor, Vice Chair Molner, and Chairman Zecchino.

2. Minutes of the January 8, 2025 Reorganization Meeting.

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

3. Minutes of the January 8, 2025 Regular Meeting

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

There being no further business before the Board, Commissioner Braid moved to adjourn. The motion was seconded by Commissioner Eramo, with the unanimous approval of all Board members present, the meeting was adjourned at 8:55 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY