

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 5, 2025
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

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

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 7:05 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 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.

NEW HEARINGS

1. MATTHEW BABICH, 148-150 Sargeant Ave., Bl. 36.01, Lot 15; Zone: R-B1

The applicant, Matthew Babich, was called forward with his architect, Lisa Cohen. One interested party also came forward. Babich identified that Cohen would present the project.

Lisa Cohen, architect, was sworn in by Board Secretary and her qualifications were placed upon the record. The Board accepted Cohen as an expert in the field of architecture. Cohen outlined the current conditions of the property. Most specifically, Cohen noted that there is a one (1) vehicle private garage on site serving the private residence. There is also an auto repair shop on the property. The garage is only used by the residence and has no business purpose. The garage was built approximately in 1930s. The roof needs to be replaced for safety reasons. Cohen stated that the applicant wanted to extend the front of the garage to allow for two (2) vehicle tandem parking. The new roof would be higher than current to allow for storage above the vehicles. The garage

has two pre-existing side yard setback deviation of 2.2 feet where 5 feet is the minimum and rear yard setback of 1.8 feet where 5 feet is the minimum. Neither of these are changed by the current application. The new variance would be for the height which is proposed at 17 feet where 14 feet is the maximum.

Cohen introduced a revised rendering marked as A-1 to demonstrate the positioning of the garage. Cohen advised that the garage roof height had previously been granted a permit under a prior submission before there was a change in the height standard. The applicant changed his plans and wanted not only to raise the roof but also expand it forward. As such the new application had to be made in conformity with the updated standards.

Chairman Zecchino questioned whether the applicant would consider lowering the height of the roof considering that the garage is being moved approximately 7.5 feet forward. Cohen responded that the roof height is set by the architectural standards to allow for storage above the vehicles. Chairman Zecchino advised that the height seemed excessive. **Liana Bolcato** on behalf of the City Zoning Department advised that the height of the roof was effectively grandfathered due to the prior permit issuance. There had to be an official action by the Board due to the change in the ordinance.

Commissioner Eramo inquired about the address and Cohen advised that the official address and postal address is different due to the placement of the private residence but it was all the same.

Commissioner Eisenman requested that the garage use be limited to only serve the private residence and not for any business purposes. Cohen and applicant conceded that this could be a condition of approval if the Board votes in favor of the project.

Commissioner Foukas asked whether the applicant had considered undertaking a subdivision of the property. The applicant responded in the negative.

The Chairman then opened the floor to any interested parties.

Gary Porrino, 491 Mt. Prospect Ave., was sworn in and advised that he used the applicant's auto services in the past and that he is a responsible person. Porrino believed that this project was a good design and wanted to let the Board know that he supports the project.

Commissioner Perez wondered if a fence could be placed to limit the visual impact of the site. The applicant noted that he wants to do that but he needs the approval of adjacent property owners.

The applicant then rested.

Commissioner Foukas motioned to approve the project with the condition of approval that the garage only be used for residential purposes. Commissioner O'Connor seconded the motion.

Commissioners Eisenman, Braid, Eramo, O'Connor, Foukas, Vice Chair Molner, and Chairman

Zecchino (indicated that his vote in favor was related to the prior permit issued for the roof height) voted for approval. Motion passed 7-0.

2. MOSHE YEROSHALMI, 101 Patricia Place, Bl. 71.04, Lot 7; Zone: R-A3

The applicant, Moshe Yeroshalmi, was called forward with his architect, William J. Martin. Yeroshalmi identified that Martin would present the project.

William J. Martin, architect, was sworn in by Board Secretary and his qualifications were placed upon the record. The Board accepted Martin as an expert in the field of architecture. Martin indicated that this application is to allow the placement of a pergola over a pre-existing deck in the rear yard of the property. Martin introduced A-1 which was his site plan with notations and A-2 to the Board which were a series of photos and renderings of the current conditions and proposed pergola. Martin highlighted that the pergola has no roof but rather just slats so it is effectively open. Martin advised that the rear deck had already been granted variance approvals to be constructed. The pergola does not go outside the footprint of the deck. There is a rear yard setback of 18.77 feet where 25 feet is required. The pergola does not increase that deviation. The top of the pergola is about 11.5 feet from the grade. Martin argued that the pergola is similar in appearance to a sunsetting awning and meant only to provide shade on the deck. The pergola has no other structural use. Martin noted that under the flexible c(2) bulk variance standard this pergola is an overall enhancement to the property. The benefit of the shading to the outdoor users outweighs the negative impact of its placement. Martin highlighted that the property to the rear is at an increased grade. This makes the height of the pergola less impactful.

Chairman Zecchino noted that he viewed the site condition. He was worried about the effect of the pergola's height on the neighboring property, however, because of the difference in grade, it appeared that the pergola would not be intrusive. Chairman Zecchino also stated that the pergola appeared to be visually imposing. Martin responded that the pergola is a pre-constructed item that he did not design.

Applicant closed and requested approval.

Commissioner Eisenman made a motion to approve the project. Commissioner Braid seconded the motion.

Commissioners Eisenman, Braid, Eramo, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 7-0.

3. RELLA AND YONATHAN EISENBACH, 94 Nugent Drive, Bl. 69.01, Lot 1.18; Zone: R-A3

Dominic Iannarella, Esq. advised that he is representing the applicant. Counsel noted that he had Rella Eisenbach and Francios Nicholas available to testify. Iannarella commented that the project is a two-story addition to current residence. Iannarella added that the project requires a rear yard setback variance.

Francios Nicholas, architect, was sworn in. Nicholas advised that he is not a New Jersey licensed architect. However, he prepared these plans under the supervision of a licensed architect. The Board accepted his credentials to testify as to this project. Nicholas outlined the addition to the current home. He noted that this will add bedrooms and bathrooms to accommodate a growing family. He kept the bedrooms as small as possible to lower the massing of the addition. The kitchen is being enlarged because of the religious needs of the family. A rear yard setback variance is needed as the proposed setback is 12.77 feet where 35 feet is the minimum. Nicholas added that the current home is 34.66 feet and technically is pre-existing nonconformity. Nicholas also shared that even though the structure is enlarging, lot coverage standards are within the ordinance. He stated that this is related to the position of the lot at the end of a cul-de-sac and that the lot is shaped so that the rear property line is wider than the front property line. There is an industrial use to the rear. There are residential uses to each side of the property.

Nicholas averred that the under the c(1) hardship variance standard the variance can be approved because of the uniqueness of the lot shape. The smaller frontage forces the structure to be pushed back towards the rear. There is no way to reorient the structure that does not result in more variances than this one.

Chairman Zecchino noted that the lot shape is unique and that the placement of the house is affected by that. Chairman Zecchino wondered if the size of the addition is related to the placement of the master bedroom and if it could be reduced. Iannarella observed that the addition size is really driven by the kitchen which needs to allow for two ovens, two refrigerators and to meet other kosher conditions. Iannarella also noted that the rear yard variance has a minor effect as it only has an industrial use to the rear and does not effect residential uses.

Commissioner Eisenman also commented on the shape of the lot affecting how this structure would be built. He felt this may be the less intrusive considering the circumstances.

Chairman Zecchino then opened the floor to interested parties for questions of the architect.

Roseann Marturano, 88 Nugent, was sworn in. Marturano asked about the size of the home and the number of bedrooms. Nicholas advised there would be five bedrooms and answered the other questions.

Chairman Zecchino then advised that as there were no more witnesses that any interested party could come forward for statements.

Roseann Marturano, 88 Nugent, previously sworn in, stated that her concerns rest with a sewer easement across her property. She noted that a sinkhole appeared 7-8 years ago and the City came out to address the issue. Marturano stated that the drainage in the area is very poor. The properties are adjacent to a cemetery. She is concerned that this addition will effect the stormwater on her property. There is a lot of water pooling on her property and has had water in her basement. Marturano added that the topsoil on her property had to be replaced due to flooding conditions. She wants to know if the City will come out to address the sewer easement and stormwater control

on the property.

Iannarella noted that his client has limited control over utilities, but that she would perform a sewer scope and clean out of the sewer as part of the project. He is unaware of the nature and extent of stormwater runoff from the neighbor or in the area generally.

Commissioner Foukas asked about how long she owned the property and if the problem has worsened over the past few years. Marturano stated that drainage is worse today than in the past.

Applicant stated that she did not want to cause problems on neighboring properties. She is willing to work with the City and neighbors to extent possible.

Kelly Walsh, 87 Nugent Ave., was sworn in. She has similar water control concerns after seeing the effect of rainfall in the area.

Iannarella indicated that his client needed time to review the drainage conditions and what efforts if any can be taken to mitigate. He asked that the matter be adjourned until March 5, 2025 meeting.

Chairman Zecchino noted for the record that the Eisenbach matter would be continued until March 5, 2025 and that no further notice was required. Iannarella advised that his client waived the time required of the Board to render a decision on the application.

CONTINUED HEARINGS

4. **BMJR REALTY LLC, 423 Lakeview Ave., Bl. 1.16, Lot 1; Zone BC**
Continued from 1/8/25 (all eligible)

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

5. **SPARK CAR WASH LLC, 25 Allwood Rd., Bl. 82.01, Lot 18.02; Zone: R-B1**
Continued from 1/8/25 (all eligible)

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

6. **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); 1/8/25 (all eligible); & 1/22/25 (all eligible except Eisenman and Foukas)

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 stated that the applicant's architect

was present at the last meeting can discussed those aspects of the plans. Mr. Sullivan indicated that the applicant would present its traffic engineer to provide updated testimony based on revised plans at this meeting.

Matthew Seckler, traffic engineer, was sworn in and qualifications accepted by the Board. Seckler advised that he was familiar with the site and the area in general. He prepared a traffic study based upon the revised plans. He will testify as to the changes from the prior testimony by applicant's traffic engineer. Seckler noted that the revised plan lessens the impact on traffic. The building is reduced by 12% which directly reduces the amount of potential users and vehicles on site. Seckler noted that self-storage facilities are one of the lowest traffic generating uses. Notably, other allowed uses such as residential, schools and houses of worship generate much higher traffic numbers. Seckler advised that this facility would generate 17-25 trips at its busy times, this is slightly less than the current business use.

Seckler introduced A-24 which is an updated rendering of the site from the Route 46 side. Seckler stated that this rendering more accurately depicts the current conditions with existing utility poles, proposed monument sign, and proper placement of roadway. Seckler noted that the curb cut shown is more accurate to reflect the wider access at 45 feet. Seckler added that the NJ Department of Transportation is finalizing their review of the access but has given their unofficial tentative approval for the access design from Route 46. Seckler stated that the site distances are proper. Seckler opined that the removal of excess vegetation and regrading will allow for easy access into the parking area.

Seckler spoke to the parking variance of 23 spaces and he believes that is sufficient because only 10-11 spaces will actually be needed. Seckler noted that there is no standard in the code for self-storage facility parking needs directly. The placement of the loading area away from the adjacent farm is an added benefit. Seckler felt that the circulation on the site improved greatly by allowing full movement around the building and removal of the emergency access to the off-ramp from Route 46.

Commissioner Eisenman asked about the distance from the exit of the self-storage parking to the off-ramp. Seckler noted that to be about 85 feet and did allow for safe exiting from the site. Commissioner Eisenman had concerns about people cutting across lanes and interfering with the vehicles exiting. Seckler noted that the positioning of the access does not increase the potential of vehicles cutting across lanes. Seckler reiterated that the low traffic generated by the facility will have a noticeable effect on traffic travelling on Route 46.

Commissioner Foukas inquired about the level of traffic from an allowed residential use. Up to 17 single family homes could be built on site. Seckler agreed that would cause much more traffic than this proposed use.

Commissioner Robol wanted to know the distance between the access point and the Grave Street entrance onto Route 46. Seckler advised that distance is about 750 feet. Commissioner Robol also asked how many vehicles can stack in the parking area in front of the fence. Seckler responded that about 6 regular sized cars can stack on site in front of

the fence. Seckler added that the busy times for the operation are normally between 11AM and 1PM on Saturdays and 4PM and 5PM on Fridays.

Chairman Zecchino then opened the floor to questions from any attorneys representing objectors.

Cynthia Hadjiyannis, Esq., attorney representing City Green – Hadjiyannis thought that all correspondence between the NJDOT and the applicant should be shared with the City and interested parties. Hadjiyannis asked about the status of the NJDOT approval of the access point. Seckler advised that no final approval had been obtained.

Gary Porrino, 491 Mt. Prospect Ave. – Porrino indicated that he was a member of the Clifton Traffic Safety Committee. He advised that the Committee had authored a letter to the Board. Chairman Zecchino indicated that the letter would be provided to the Board and Applicant. Porino asked how many times Seckler had been to the site and Seckler noted that he was there about ten times at different times of day and the last time was two weeks ago to collect data. Seckler conceded upon questioning that the speed limit is 50 MPH but that many drivers do exceed it by 10 to 15 MPH. Porrino questioned Seckler on appropriate stopping distances in both dry and wet conditions. Attorney Sullivan objected that the question was already answered by prior traffic expert. Seckler also conceded that drivers coming onto Route 46 from Grove Street entrance will have to accelerate but also noted that drivers will look forward and to the side to ensure that they merge cleanly onto roadway. Seckler stated that the driveway entrance is proper for the speeds on Route 46.

Carl Haefele, 409 Colfax Ave. - Haefele asked a number of questions about stopping distances which Seckler answered. Seckler responded that traffic can move safely around the area. In response to questioning, Seckler believed that persons leaving the facility would be able to see cars coming. Under inquiry by Haefele, Seckler noted that about 3-4 vehicles per hour are expected to come on and off the site which is very low. Seckler conceded that a vehicle coming off the site and travelling further eastbound on Route 46 would have to move over lanes to the left twice. Seckler felt there was enough room to safely accomplish this.

Commissioner Eramo advised that she had seen a copy of the Traffic Safety Committee letter and that she would forward to the City for distribution.

Vera Lazar, 2 Spencer Ave. - Lazar asked about the number of merges a vehicle would have to perform in the area. Seckler stated that this can be done safely. Seckler reiterated that the lot regrading and removal of vegetation will significantly increase the sight distances. In response to questioning about acceleration and deceleration speeds, Seckler noted that this was taken into account in his report. Lazar asked if the signage will block driver's vision, and Seckler responded in the negative.

Commissioner Perez wondered if there will be any signage along Route 46 to alert drivers that the facility is nearby. Seckler noted that the monument sign will be enough and that any other signage along Route 46 is not contemplated and that also requires NJDOT approvals.

Ann Schnakenberg, 268 Washington Ave. – Schnakenberg asked why this egress layout was chosen instead of an alternate. Seckler retorted that other egress versions would not work at this site and the NJDOT would not approve them. This version is not unusual and NJDOT has given tacit approval for it. Seckler also in response to questioning advised that there is more than enough room in the parking lot for a vehicle to pull around if it entered the site incorrectly. Schnakenberg asked if Seckler had reviewed the NJDOT crash data for the area. Attorney Sullivan interjected that question was previously answered by the prior traffic engineer. Seckler did add that if an incident occurs law enforcement and emergency services have sufficient access to the site to assist.

Lisa Ciccone, 68 Martindale Road – Ciccone believes that the updated rendering is still inaccurate. Ciccone asked about the average speed in the area and Seckler advised it was 54 MPH. When asked about the safety of the entrance area, Seckler opined that it is safe. Seckler also noted that he performed his traffic counts at times when school was in session. Seckler also noted upon questioning that up to 4 vans can queue in front of the gate. Ciccone asked about the island separating the egress and exit lanes and Seckler advised that the NJDOT liked the island idea to keep lanes separate.

Vice-Chair Molner stated that the gate could be moved back in order to allow more stacking if necessary. Seckler agreed with that assessment but the gate is meant to be flush with the front of the building.

Doris Rascher, 678 Broad St.– Rascher did not agree with Seckler’s comparison between storage facilities in Clifton. Other sites are in different zones and have deceleration lanes into them. Seckler noted that this entrance is proper and that the width of 45 feet is specifically meant to assist drivers. Seckler also noted that the applicant has no ability to add a lane of travel to Route 46.

Roy Ceccato, 678 Broad St. - Questioned the slight lines and ability of vehicles to stop. Seckler advised that drivers will have to pay attention to other vehicles when accessing the site just like every other building along Route 46. Seckler noted that stopping distances are proper.

Upon being recalled by Attorney Sullivan, Seckler agreed that he received the Neglia report of November 27, 2024. Seckler stated that the items listed under Section 5 of the Neglia report are fully addressed in his report.

Attorney Sullivan asked that the application be adjourned until March 5, 2025 to present his planner. Chairman Zecchino noted that date and advised the public that no further notice would be required.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by BYA Avenue B, LLC, 1132 Route 46, Bl. 44.04, Lot 22; Zone: B-D to change an existing retail use to a restaurant for a coffee shop.

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. The motion passed 7-0.

2. Resolution memorializing the approval of the application by Specialty Infusion Inc., 646-648 Van Houten Ave. Bl. 37.01, Lot 20; Zone: PD-2 to utilize an existing, vacant commercial building as offices for a pharmaceutical company not open to the general public with a bulk variance for parking as 12 parking spaces are required and only 5 parking spaces are provided.

Vice-Chair Molner 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. The motion passed 7-0.

3. Resolution memorializing the denial of the application by MAJR Holdings LLC, 61 Lakeview Ave. Bl. 7.12, Lot 20; Zone: B-C, to obtain amend site plan and seek a use variance for an existing building as both a retail use (new) and a physical therapy and rehabilitation center (current).

Vice-Chair Molner made a motion to approve. Commissioner Eramo seconded the motion; voting in favor are Commissioners, Perez, Robol, Braid, Eramo, Vice-Chair Molner, and Chairman Zecchino. Commissioner O'Connor voted against the motion. The motion passed 6-1.

4. Minutes of the January 22, 2025 Regular Meeting.

Commissioner O'Connor made a motion to approve. Commissioner Braid seconded the motion; voting in favor are Commissioners, Perez, Robol, Braid, Eramo, O'Connor, Vice-Chair Molner, and Chairman Zecchino. The motion passed 7-0.

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 9:34 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY