

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
February 19, 2025
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

DAVID BRAID

ALSO PRESENT:

Nicholas Graviano, P.P., Board Planner
Brian Intindola, P.E., Board Engineer
Liana Bolcato, Asst. Zoning Officer
Joseph M. Wenzel, 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 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. DHARINI PATEL, 48 Holster Road, Block: 63.09, Lot 11; Zone: R-A1

The applicant, Dharini Patel, was called forward. One interested party also came forward.

Patel was sworn in and provided testimony regarding the submitted plans to expand the current residence to include an enclosed swimming pool. Patel noted that the swimming pool is not for recreational use as it will be smaller and more shallow compared to regular sized swimming pools. The pool is to be used by her husband who is suffering from various ailments for physical rehabilitation. Patel added that although the home was recently built, the need for a swimming pool did not arise until her husband became ill.

Commissioner Eramo asked about the variances needed. The side yard setback is being violated because the pool addition is running parallel to the end of the current house. Ms. Bolcato advised that the request includes a rear yard setback, side yard setback, combined side yard setback and lot coverage.

Commissioner Eisenman inquired as to the presence of any rear yard neighbors and it was confirmed that only the access ramp to Route 3 exists to the rear. There are no residential uses to the rear.

Chairman Zecchino noted that Route 3 is to the rear of the property and that makes the relief requested easier to approve.

The Chairman then opened the floor to any interested parties.

Sakpal Snehal, 60 Holster Road was sworn in and made statement in support of the application.

The applicant then rested.

Commissioner Eisenman motioned to approve the project. Commissioner O'Connor seconded the motion.

Commissioners Robol, Eisenman, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (indicated that his vote in favor was related to the lack of rear yard neighbors and that the ramp to Rt. 3 was the only use to the rear) voted for approval. Commissioner Eramo voted against the approval noting that the rear yard setback remained an issue and was not substantiated why that relief should be given. Motion passed 6-1.

2. MARK LASKY, 822 Passaic Avenue, Bl. 81.01, Lot 6; Zone: PD-HC

The applicant, Mark Lasky, was called forward with his attorney, Charles Rabolli, Esq. who would present the project.

Attorney Rabolli explained that the Applicant is seeking relief to expand a garage for the storage of a collection of classic cars. This is for Applicant's personal use and has no commercial context. Rabolli advised that this project was previously approved over two years ago. The applicant due to financial conditions at the time did not proceed with the project. As the project remained inactive, the applicant did not seek an extension of the approval. However, applicant is now in a position to start the project.

Attorney Rabolli noted that the current application is an exact match of the prior one. Every variance was fully explained and granted by the Board of Adjustment. Rabolli stated there was one conditional of approval that should be continued with this application. There is an encroaching walkway over a neighboring property. Unless an agreement is reached with the affected owner, the applicant will have to remove the portion of the walkway over the lot line.

Commissioner Foukas asked about the timing of the application. Rabolli reiterated that

monetary conditions were not right for the applicant until recently.

Nicholas Graviano, Board Planner, clarified for the Board that this application remains a d(1) use variance but as the conditions are exactly the same as the prior approval, this Board can approve it. Graviano stated that the applicant would remain responsible for compliance with all City Code provisions in constructing the garage.

Applicant closed and requested approval.

Commissioner Foukas made a motion to approve the project. Commissioner O'Connor seconded the motion.

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

3. MAJOR HOLDINGS LLC, 61 Lakeview Avenue, Bl. 7.12, Lot 20; Zone: B-C

Dominic Iannarella, Esq. advised that he is representing the applicant. Iannarella stated that the applicant is returning to the Board with a revised plan to have the rear portion of the building occupied by a wholesale warehouse and maintain the front portion as currently occupied with a physical therapy business. Iannarella advised that this is returning after the Board recently rejected a plan to use the rear portion for retail commercial.

On motion from Vice-Chair Molner and seconded by Commissioner O'Connor, the Board voted 7-0 to continue to hear the matter as res judicata did not apply. This current application is sufficiently dissimilar to the prior application.

Michael Capo, architect, was sworn in and qualifications accepted in the field of architecture. Capo indicated that the current application is physically the same as the prior one. There is no change to the footprint of the building or the proposed parking stall arrangement. There are interior alterations as the site will now be used for wholesale warehouse. As a result of the change in use from retail commercial to wholesale warehouse, the number of required parking spaces has been reduced. As a result, the parking as proposed meets the standard and no variance is now required.

Chairman Zecchino asked about the size of delivery trucks. In response, it was anticipated that deliveries would mostly be by vans and small box trucks. Capo added that there was a van parking spot on site to allow the deliveries to occur without blocking flow of traffic. Applicant agreed that as a condition of approval that deliveries would be limited to no larger than small box trucks.

Vice-Chair Molner expressed concern that retail could be conducted on site. Capo clarified that the business is only a wholesale warehouse. As a condition of approval, there would be no retail component in the new use area.

Planner Graviano spoke to his concerns about the current condition of the building. He felt the landscaping was poor and the building appeared dirty. As a condition of approval, the

Applicant will increase and enhance the landscaping as well as power wash the building.

Iannarella summed up by noting that the rear of the property was given prior approval for office space which is a more intense use than wholesale warehouse. He believed that this was a better use of the building and more complementary with the existing physical therapy use.

Commissioner O'Connor made a motion to approve the project with the conditions of approval as outlined during testimony. Vice-Chair Molner seconded the motion.

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

CONTINUED HEARINGS

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

John Wyciskala, Esq. advised that he is the attorney representing the applicant. He noted that this a continuation of a prior hearing where a representative of the applicant spoke about the operation of the car wash.

Tung-To Lam, Engineer, was sworn in and qualified as an expert in engineering. Lam introduced Exhibits A-1 (aerial view – dated 1/3/25) and A-2 (colorized site plan – dated 1/3/2025). Lam went over the current site conditions. He identified that the proposed plan is using current existing egress points onto Allwood Avenue. He pointed out that the site is 100% paved and used for the parking of limousines and other livery vehicles. Lam acknowledged the presence of a dentist office along Main Avenue which is adjacent to the main parking lot area.

Lam stated that the proposed development would add back a significant amount of landscaping. The applicant would also clean up the lot area which is in disrepair. Fencing would run along adjacent properties at 6 foot height, the City allowable maximum, to screen out activities and noise to neighboring properties.

Lam added that the length of the lot from Allwood Road entrance allows for stacking of vehicles using car wash. Vehicles would first stop at a kiosk to enter the type of wash they want, then proceed through the car wash building, and then drive over to the parking stalls for vacuuming and detail work. The parking stalls are 13 feet wide to allow for easier cleaning. All movements onto and off the site will be at the Allwood Road curb cut. The noise for the vacuuming is generated by the turbine machine which is being place further away from neighboring uses. Lam shared that the site is reducing the current impervious surface and better controlling stormwater which now just sheets off into public inlets. All lighting is by LED and can be turned off when the facility is not in use. Lam lastly added that the applicant would comply with all the conditions listed in the Board Engineer report.

Board Engineer, Brian Intindola asked about the difference between members and non-members vehicle circulation. He also asked about compliance with noise ordinance and state statute, and Lam responded that the applicant would use all efforts to maintain noise levels at or under the standard. Intindola asked the applicant to consider the use of a different type of enclosure to further reduce noise. Lam acknowledged that, as a condition of approval, if it is found that the vacuum machinery exceeds noise standards that a different type of enclosure would be used to reduce the effect.

Lam continued that the applicant will comply with all requirements from utility companies including water. Landscaping would also be in compliance. Lam shared that the Passaic County Planning Board is still reviewing the submission as well as the New Jersey Department of Transportation and Soil Conservation District. The applicant is working with the NJDOT to clean up and enhance the landscaping in the area between the project location and Route 3. Lam advised that they will comply with any requirements issued by those entities. Lastly Lam added that there will be trash enclosure in compliance with City ordinances.

Commissioner Foukas believed that more landscaping would be a better barrier for noise as well as visually for the neighbors. Lam responded that the buffer area could be increased to allow for more landscaping along with fencing to reduce the impact of the project.

Engineer Intindola wanted to know about the elevated manifolds for the vacuum and whether those would exceed the height of the fence. Lam advised that the fence would mostly cover it but not entirely. Lam conceded that the aisle width could be condensed to increase the landscape buffer.

Chairman Zecchino asked if the vacuum piping could run underground and that landscaping could assist in hiding that. There is a concern about cleanout if the pipes are inaccessible.

Commissioner Eramo reviewed the landscaping between Route 3 and the property. She wanted the applicant to use only native plantings, and the applicant agreed to do so as a condition of approval.

Commissioner Eisenman asked about the sign package and the sewerage controls. Lam responded that the water is largely reclaimed and that there is sufficient capacity at this site. However, the applicant agreed as a condition of approval to scope the sewer line.

Commissioner Robol asked about stormwater control and Lam indicated that water is controlled on site and will be very minor sheeting into public inlets. Lam added that 80% of the car wash water is reclaimed for continued use.

Commissioner Perez reviewed the height of the vacuum hoses.

Chairman Zecchino asked if any member of the public had questions of the Engineer.

Evgeni Goriounov asked questions about the fence height and the effect of landscaping. He also asked about the location of certain equipment including the vacuum machinery. Lam clarified that the machinery would be about 20 feet away from his building. He also asked about the car wash process. He posed questions about the noise generated by the users.

Planner Graviano stated that the last two vacuum spaces nearest the building could be removed.

Commissioner Perez asked if there was a different type of fence material that could be used to dampen the sound.

Applicant then called its Traffic Engineer, **Matthew Seckler**, who was sworn in and qualified as an expert. Seckler discussed the traffic impact study that he conducted. The data was collected on days and times when the car wash would be at its most active. Seckler conceded that the intersection of Main Avenue and Allwood Road is complicated with access ramps to Route 3 and three traffic lights in close proximity. There is existing congestion in the area. However, Seckler advised that congestion is a positive to a car wash as most patrons decide to use it when in the area. The member usage will spread out the users over the day. This site is not generating new traffic, vehicles are already there.

Seckler shared that the trip generation was between 80 and 150 trips approximating upwards of 120 cars per hour. This site can handle that number of vehicles because of unique layout of the long drive to the car wash that can hold up to 17 cars in line. The separation of member and non-members into two lines also helps. Seckler noted that a similar car wash can only hold 12 cars and that does not have stacking issues. Seckler added that this project is a state of the art new facility that can move through vehicles faster and the parking area for the vacuuming is much better. Seckler noted that the sight lines for vehicles coming in and out of the site are good. There will be three parking spaces set aside for employees away from the car wash and vacuuming area. Overall, Seckler believes that the site is designed efficiently.

Commissioner Eramo asked about the site's ability to handle 120 cars per hour and what happens in the vacuum area where cars will sit longer for detailing and vacuuming. Seckler advised that there are an increased number of vacuum stalls to address this concern and employee on site will ensure continued movement. Also, only 4% of vehicles will use the vacuum area. Eramo also worried about the effect on the nearby intersection which is already busy. Seckler agreed the intersection is busy but this operation will not greatly impact it. The driveway entrance is far enough back from the intersection so there is little likelihood it will be blocked. Seckler determined that during a 2 hour interval, the driveway was only blocked 1.2% of the time. Seckler added that as Allwood Road is wider at that point, cars turning into the driveway can be passed without causing traffic backups.

Commissioner Eisenman asked how many vehicles can stack on the driveway off of the property. Seckler responded up to 9 cars. Seckler also shared that his data was collected when school was in session. Eisenman wondered if the intersection would have a greater impact during holiday shopping periods. Eisenman felt that a do not block driveway sign could help avoid backups.

Seckler shared that the County Planning Board is currently reviewing this application. He also advised that as part of a larger traffic study along all of Main Avenue, the County is considering retiming the signals including those at Allwood and Main to allow for a better flow of traffic. Seckler pointed out an emergency access point from Main Avenue. This was requested by the Fire Department. It is only partially impervious surface, there is no outward indication that it is a public access point.

Engineer Intindola asked about the status of NJDOT approval. He also agreed that the stacking of the vehicles is appropriate and that the driveway entrance is far enough away from the intersection as to avoid conflicts. Seckler stated that the County is not restricting turns from any lane of travel on Allwood Road to the site.

Chairman Zecchino then opened the meeting to the public for questions of the traffic engineer.

Evgeni Goriounov asked whether the traffic from the car wash effects the firehouse nearby, Seckler stated it has no effect. He then asked whether the times were chosen to yield the result the applicant wanted. Seckler advised that the data was collected in accordance with traffic engineering standards and in line with the busiest times of the car wash. Seckler retorted that the car wash will not affect drop-off/pick-up at adjacent school because car wash popularity is not high at those times. He questioned whether Route 3 traffic was taken into consideration and did not agree with Seckler's numbers. Seckler advised that all appropriate factors were calculated. Seckler also noted that the car wash has the flexibility to respond to increase popularity by speeding up the car wash and controlling the vacuum area. Seckler also disagreed with the assertion that the lines for the car wash will be 25 minutes long.

John Wyciskala, attorney for the applicant, noted that the two spaces closest to the dental business will not have vacuums as a condition of approval. He then called the applicant's architect.

Oliver Young, architect, was sworn in and qualified as an expert in the field of architecture. Young provided exhibits, A-3 (colorized elevations), A-4 (current view of site), A-5 (rendering of building), A-6 (existing aerial photo) and A-7 (proposed building aerial photo). Young explained that the building is two story but that the second story would be limited to equipment and office space. Second story of car wash allows for visibility from Route 3 as the site is below the highway level. The tallest part of the building meets height standards. Young explained the exterior touches and color palette. Young also pointed out the sign package for Spark as unique. There will be seven (7) signs on the building identifying it as a Spark Car Wash. There will also be directional signs to assist users. There will also be a pylon sign on Main Avenue to advise users to enter the site on Allwood Road. Young also identified the placement of the vacuum turbine and tubes. He noted that the turbine was purposely placed further away from adjacent properties to lessen the noise impact. The turbine will also be placed in an enclosure for noise reduction. Young reminded the Board that the sound from the vacuum is not in the tubes for end users but instead at the turbine, so the placement of vacuum spots does not increase noise.

Commissioner Perez asked about the placement of employee parking. Young noted that it is along the exit lane onto Allwood Road.

Commissioner Foukas asked if the building can be reduced in size. Young retorted that the building is the size necessary for this type of operation.

Commissioner Eisenman asked about the tallest vehicle to be serviced. Young stated that the car wash would be able to service all regular vehicles, but anything too high such as a commercial grade truck cannot go through.

Planner Graviano and Engineer Intindola both stated that the pylon sign on Main Avenue should be moved over to Allwood Road. There are too many signs on Main Avenue currently and there is nothing on Allwood Road to direct vehicles onto the site. A small monument style sign would be a better option than a tall pylon sign.

Chairman Zecchino then open the meeting to questions from the public.

Evgeni Goriounov asked why the rendering does not include landscaping or fence. Young noted that the rendering is supposed to give an idea of what building will look like not all site conditions.

Applicant's planner was then called.

John McDonough, Planner, was sworn in and qualified as an expert in planning as well as landscape architecture. McDonough explained that the car wash is a vast improvement over the current site which is just a parking lot and has no impervious coverage. He opined that the placement of a fence and landscaping along the border will effectively block the view of the building, vacuums, and cars. McDonough felt that the planting of evergreens, while not required in the zone, would be a vast improvement over current conditions. He also noted that the zone is residential, so the alternative allowed use would be several homes which would have a greater impact on neighboring properties. McDonough then provided Exhibit A-8 (drone photo package). McDonough shared about the site conditions and that all adjacent uses are non-residential in a residential zone. In effect, this is a commercial zone by default. The proposed use is more limited than the current one which allows vehicles to be parked all night and can be driven on and off site at anytime of day or night. The car wash has more limited operational hours and is closed by early evening. Car wash is also more environmentally friendly as it reclaims the water and increases pervious coverage and adds plantings.

McDonough noted that the Applicant is seeking a d(1) use variance. McDonough advised that the site is suitable for the proposed use. All of the surrounding uses are commercial and there is no residential uses nearby. The current site condition is awful in that it has a bad visual aspect, does not effectively control water, and has a 24-hour impact. McDonough opined that the proposed use meets the following planning goals under the MLUL: goal (a) because it provides a beneficial use of cleaning vehicles, goal (g) because it is a proper area for this type of use right off a highway and heavily travelled intersection, goal (i) because the upgrade of the site provides for a clean visual site, and goal (m) because the car wash is a more efficient use then the current 100% paved parking lot. McDonough added that the negative criteria is overcome because this site with its long driveway allows for the safe flow of traffic, ecofriendly re-use of water, site is

already non-residential and this use is less impactful, and provides a viable commercial use. As to the related bulk variances, McDonough believed that under the flexible c(2) standard the same positive and negative criteria applies and that the granting of the bulk variances is in conjunction with the d(1) variance approval. McDonough also agreed that the movement of the sign to the Allwood Road side is correct.

Applicant consented to reduce the number of vacuum spaces to 18.

Vice-Chair Molner stated that junipers should be used on the neighbor side rather than a fence. Applicant agreed as a condition of approval. Applicant also agreed to have a decorative base to the monument sign on Allwood rather than a pylon sign on Main Avenue as a condition of approval.

Chairman Zecchino opened the floor to questions from the public.

Evgeni Goriounov asked what is allowed in the district and McDonough noted that 1 and 2 family homes. Also home based businesses. He asked if this site promotes the general welfare. McDonough said yes because it fixes up a site and will be a visual improvement.

Architect Young was recalled. Young went over sign package. Young agreed upon questioning from Board counsel that two of the building mounted signs (one facing Route 3 and one on the entrance to the car wash) can be removed without detriment to the Applicant. This would be a condition of approval.

Chairman Zecchino announced that the matter would be relisted for the March 5, 2025 meeting to allow the Applicant and the objector time to prepare their closing arguments to the Board. No further notice was required and the applicant stipulated to the extension of time for decision.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Matthew Babich, 148-150 Sargeant Ave., Bl. 36.01, Lot 15; Zone: R-B1 to expand an existing non-conforming garage.

Commissioner Foukas made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eisenman, Eramo, O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 6-0.

2. Resolution memorializing the approval of the application by Moshe Yeroshalmi, 101 Patricia Place, Bl. 71.04, Lot 7; Zone: R-A3 to construct a pergola over a pre-existing non-conforming deck in the rear yard.

Commissioner Eisenman made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eisenman, Eramo, O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 6-0.

3. Minutes of the February 5, 2025 Regular Meeting.

Commissioner Eisenman made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eisenman, Eramo, O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 6-0.

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner O'Connor, with the unanimous approval of all Board members present, the meeting was adjourned at 10:12 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY