

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

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

GRACE ROBOL (1A)
AVRAHAM EISENMAN

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. ALLIE MULLER, 21 Garfield Avenue, Bl. 50.12, Lot 15; Zone: R-A1

The applicant, Allie Muller, was called forward. Applicant indicated that her architect **William Martin** would present the application.

Martin was sworn in and qualified as an expert in architecture. Martin provided Exhibit A-1 which contained 3 pages (aerial view, current condition photograph, and rendering). Martin covered the existing conditions of the property. Martin identified that the applicant is seeking to expand the current home with a second floor. Martin specifically noted that in order to make the home feel less massive, the front of the addition was pushed back at the second level. There are request for rear yard setback. There is a request for a side yard and combined side yard setback variance due

to a small bump out for an enlarged bathroom on the second floor. Martin advised that the lot is a trapezoid causing the front of the building to be closer to the boundary lines than the rear of the property. Martin opined that the variance could be granted under the c(1) hardship standard due the layout of the lot. Martin added that the variance could also be granted under the c(2) flexible standard because the addition is in line with the City Master Plan and presents no negatives for such items as traffic, noise, and lighting.

Chairman Zecchino addressed his concern that the addition is fine when it is within the footprint of the original building but this bump out sticks out without justification. Martin responded that the applicant homeowner wanted a larger bathroom. Martin also noted that there is a similar bump out at the lower level and that the bump out is the only part of the addition requiring a variance. Chairman Zecchino reiterated his concern about the bump out exacerbating the variance condition.

Vice-Chair Molner questioned whether there was direct access to the outside from the basement. Applicant advised there is none. Vice-Chair Molner also wondered about the inclusion of a bathroom in the basement area. Martin shared that the bathroom in the basement is pre-existing.

Commissioner Foukas asked if the bump out could be removed and the applicant would still have a substantial addition to her home. Martin conceded that the bump out would be removed and that revised plans would be resubmitted to the City as a condition of approval.

Commissioner Eramo asked about the layout of basement rooms and whether they were new. Martin noted that no changes are being made in the basement area except to install additional support columns. The layout of rooms, bedrooms and bathrooms are all pre-existing and will not be altered.

Chairman Zecchino asked whether the applicant's construction would adhere to City standard for building and timing of work. Applicant responded positively.

Applicant closed and requested approval.

Vice-Chair Molner motioned to approve the project as agreed to be amended by the Applicant without the bump out on the second level. Commissioner O'Connor seconded the motion.

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

2. POLANCO & SONS LLC, 85 Center Street, Bl. 4.16, Lot 2; Zone: PD-HC

The applicant was present by representative, Elizabeth Conforme, who was called forward with their attorney, **Joel Miklacki**, Esq.

Attorney Miklacki opened that the applicant is seeking to return the first floor of the property to its prior use as residential. It is currently a bar. Miklacki noted that no changes will be made to

the footprint of the building and that all changes will be interior walls and utilities. The applicant seeks two units: one (1) double bedroom unit and one (1) single bedroom. Other than the change in use, the property will otherwise be unchanged. All pre-existing nonconforming conditions will continue. Applicant called its architect.

Arlenis Dominguez was sworn in and qualified as an expert in architecture. Dominguez provided an overview of the existing conditions at the site. Dominguez then explained the layout of the new units on the first floor. Dominguez indicated that it was her attempt to mirror the units which are already present on the second and third floor of the building.

Chairman Zecchino questioned the size of the units. He expressed concern about the units and the bedrooms being small.

Vice-Chair Molner questioned the access to the basement. Applicant indicated that there is only storage and utilities down in that area.

Board Planner Nicholas Graviano asked how set the applicant was on having a double bedroom unit. He felt it was rather tight and the lack of parking on the site makes a double bedroom a more intense use.

Chairman Zecchino echoed Planner Graviano concerns as to bedroom size and lack of parking (which is pre-existing) but lack of it is different between a neighborhood bar and residents. Chairman Zecchino asked if the applicant would consider two (2) single bedroom units.

Attorney Miklacki responded that the applicant would proceed with the original request. He emphasized that the residential units are a better fit for the property than maintaining a bar. Even though the double bedroom unit is small, it is significantly better than a bar.

Planner Graviano wondered whether the applicant based on the information would reconsider especially understanding the consequences if the application is denied.

Commissioner Perez also questioned the size of the units. Miklacki noted that the size is not out of line with City Code. Commissioner Perez believed the double bedroom is too small.

Elizabeth Conforme was then called to testify. She noted that the basement has nothing other than storage and utilities. Trash and recycling would be put out on regular trash days. The purpose of the renovation is for the betterment of the site and the area. The neighborhood bar was disruptive. The site will also be upgraded with landscaping. Upon further prompting, Conforme clearly noted that she was proceeding with the one double bedroom unit and one single bedroom unit.

Planner Graviano asked about the breakdown of the units on the other floors. Miklacki noted that they are all double bedroom units. Miklacki added that prior to the bar, the units on the first floor were both double bedrooms. However, on consideration of current standards, the applicant changed the front unit to be single bedroom.

Commissioner Braid asked whether the units had laundry facilities. Applicant indicated that none have had them and none are proposed.

Commissioner O'Connor asked if the units are all rented. Applicant indicated yes.

Chairman Zecchino agreed that residential is a less intense use than a neighborhood bar. However, the size of the units was just too small. The rest of the building already being double bedrooms calls into question whether the building is already maximized on its use. Chairman asked again for the applicant to consider reducing the second unit to a single bedroom.

Attorney Miklacki summed up. He noted that the change of use can be granted under d(1) standard because it was previously residential and it is a better use than the current bar. He also believed it met the standards for a d(5) variance for the increase in density.

Applicant closed and requested approval.

Vice-Chair Molner made a motion to deny the application. Vice-Chair Molner believed that the removal of the bar was a positive and that returning to residential was a good option. However, the site has no parking and this change will increase the need for parking in the area. He concluded that a neighborhood bar normally does not create traffic as patrons usually in the vicinity.

Commissioner Foukas seconded the motion. Commissioner Foukas appreciated the applicant's effort to renovate the property. However the units, especially the double bedroom, is too small and the lack of parking for the current residents will only worsen if this were approved.

Commissioners Perez, Braid, Eramo, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (stated that the double bedroom was just too much for that limited space) voted for approval. Motion passed 7-0.

CONTINUED HEARINGS

**3. SPARK CAR WASH LLC, 25 Allwood Rd., Bl. 82.01, Lot 18.02; Zone: R-B1
Continued from 1/8/25 (all eligible) and 2/19/25 (all eligible except Braid)**

John Wyciskala, Esq. attorney representing the applicant indicated that due to the limited number of available zoning board members to decide the applicant, asked for a continuance to the March 19, 2025 meeting. That request was granted and the matter was carried. No further notice was required and the applicant stipulated to the extension of time for decision.

**4. RELLA AND YONATHAN EISENBACH, 94 Nugent Drive, Bl 69.01, Lot 1.18,
Zone R-A3, Continued from 2/5/25 (all eligible)**

Dominic Iannarella, Esq., attorney for the applicant, indicated that this matter was continued from the last hearing date to allow the applicant's engineer to assess stormwater control.

David Atwood was sworn in and qualified as an expert in the area of engineering. Atwood indicated that he reviewed the drainage condition of the site and the easement in the area. Atwood noted that the current grade of the site would remain unchanged as it properly channels water away from neighboring properties. However, there will be a seepage pit of approximately 1500 gallons installed in the ground. This seepage pit will collect, hold and then dissipate stormwater. The final plan for the pit will depend on the result from a percolation test, but that will only affect the placement and size not whether it will be installed. Atwood believed that the pit will not only benefit the applicant's property but also adjacent properties. Otherwise, the drainage easement will be maintained.

Board Engineer Anthony Kurus indicated that he reviewed the drainage calculations and found them proper. The seepage pit will help with overall stormwater control in the area. This is a typical solution for the issue presented with flooding.

Roseann Marturano, 88 Nugent Street, indicated that she was satisfied with the communications she had with the applicant's attorney and engineer. She still wants the City to video the drainage pipe and review the easement's condition.

Kelly Walsh, 87 Nugent Street, asked what happens with water after it leaves seepage pit and Atwood responded it spreads out but only after it has been held back for a period of time so that the amount of water is less.

Attorney Iannarella concluded that the applicant had addressed the concerns raised at the last meeting about stormwater control. He further noted that the applicant's variance request can be granted under the c(1) hardship standard because of the layout of the lot at the end of a cul-de-sac. The house cannot be turned sideways and that would only add more variances. Lot coverage is under the standard. The rear of the property is a commercial use so the rear yard setback is less impactful. The applicant has also agreed to expend significant amount in stormwater control to the benefit of her neighbors.

Roseann Marturano, stated in conclusion that she has no issue with the application, she just wants the City to maintain the easement.

Kelly Walsh stated in conclusion that the size of the house is very large and she worries about overdevelopment in the area.

Applicant Eisenbach closed by averring she wants to have a larger home for her family, but also wants to maintain the look of the cul-de-sac and specifically tried to lessen the masing of the home.

Commissioner Braid made the motion to approve the application. He noted that it was nice to see that the applicant was willing to acknowledge her neighbors' concerns and work with them.

Commissioner O'Connor seconded the motion.

Commissioners Perez, Braid, O'Connor, Vice Chair Molner, and Chairman Zecchino voted for approval. Commissioner Eramo (expressing that the rear yard setback regardless of the type of use it abutted was too much) and Foukas (remained concerned that the development would impact flooding in the area) voted against approval. Motion passed 5-2.

5. **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); & 2/5/25 (all eligible)

Michael Sullivan, Esq., attorney for the applicant, indicated that they would be presenting their planner tonight.

Kate Keller was sworn in and qualified in the area of planning. Keller indicated that she visited the site. She reviewed the ordinances and City Master Plan. She also reviewed the most recent plans for the applicant. She introduced Exhibit A-25 (larger site and area aerial photo). Keller reviewed the site and its place in the surrounding area. She noted that it sits at a confluence of major roadways. Ramp M from Route 46 eastbound serves to cutoff the site from neighboring properties. There is also Grove Street, Route 19, Broad Street and Colfax Avenue servicing the area. Keller then introduced Exhibit A-26 (closer site aerial photo) and Exhibit A-27 (zoning boundaries overlaid on aerial photo).

Keller noted that the site is in the RA-2 zone which is residential and limited commercial uses. It is across from M-2 zone where an automotive repair use is situated. It is also near a B-A zone. The farm City Green abuts the site. Overall, Keller noted that this is not a typical residential area. In fact, it is really a mixed use considering the proximity of industrial, commercial and residential uses. Current building on site has been there since the 1950s and is placed closer to Route 46 side of the lot.

Keller explained the current updated plans for the storage facility and the efforts to minimize the impact of stormwater with detention basins. Keller also explained that the zone would allow residential uses as well as schools and houses of worship.

The applicant seeks a d(1) variance. Keller opined that there are special reasons present under the positive criteria to grant the variance. Keller noted that the site is particularly suited for a storage facility. There are compatible land uses in the area, there are significant number of major roadways, the area has been used for commercial purposes for several decades, the vicinity is mixed in its uses, there are no direct connections to residential neighborhoods, the farm serves as a buffer from residences, and the site is not conducive for residential construction. Keller continued that the only access is from and to Route 46 so this is a low impact, low intensity and convenient location for storage facility.

Keller also expressed that the site design is the best for this use. The site can accommodate the storage facility. Additionally, the building will be over 200 feet from the nearest residence due to the location of the farm. Keller also noted that the granting of the use variance can be

reconciled by the historical use of the property. Keller introduced Exhibit A-28 (1949 Zoning Map of the City of Clifton). Keller noted that in 1949 the site was located within a residential zone. Now, over 70 years later, it has always been used for commercial purposes. Keller believed this indicates that the natural zoning for the area, despite being placed in the residential zone, is really commercial and storage falls into that category perfectly.

Keller went on to share that the Master Plan does not directly address this site. However, lack of inclusion should not mean that the site must remain unchanged. City Code only allows self-storage facilities conditionally in the M-1 zone. Keller added that if this application were in the M-1 zone, it would meet all those conditions. Keller reiterated that there are industrial and commercial uses nearby and the use has very low impact to the vicinity.

Keller addressed the negative criteria. Keller opined that the storage use is low intensity, there are a number of buffers proposed as well as native plantings which are better than current conditions, this is a mixed use area, the use is really a commercial one and not industrial, the surrounding roadways are major thoroughfares which can easily handle the expected traffic, no residential areas are impacted, the proposal meets all other (d) type standards for height, floor area, and density and the design is modern and appealing as opposed to the old current building. Keller state that there is not substantial impairment of the local ordinances, the location is proper for the site as demonstrated by history, there is currently nonconforming use on site and in area, it is an oversized lot, and it is not a typical lot layout for residential development.

Keller also believes that it meets the standards for good zoning. There is a balance of land uses between the farm and residences, residential uses are not impacted on roadways, this is in-fill development of already disturbed site, old out of date buildings are replaced by modern, and major upgrade to stormwater management is being made to the site and to the benefit of adjacent properties.

Keller also commented on the (c) variances. Keller advised that the City Code has no standard for parking for storage facilities and the parking offered is sufficient for patrons and staff. Parking in front is logical to allow patrons access to the office and to allow the rear of the property toward Broad Street to be used for stormwater management basins. Keller provided that the sign variances are necessary for patrons to find their way onto the site. Moreover, there are no signs facing any residential areas or the farm.

Keller lastly outlined that the project advances the following zoning goals under the MLUL: (a) promoting the general welfare by providing a necessary use to the area, (c) addressing the needs for light, air and open space by its setbacks and being a shorter building, (g) providing space for variety of uses including this one as commercial in an area that also contains residential and agricultural, (h) transportation routes will be served well by the placement of this development, and (i) visual environment will be enhanced.

Chairman Zecchino asked whether the planner believed that this is the best redevelopment of the site. Keller retorted that she could not say what was the best but that this storage application is better zoning alternative than the current commercial use.

Commissioner Eramo asked if self-storage facilities were not allowed in any zone why it should be here. Keller responded that this is not an intense industrial use and is usually placed like this one in a highway zone. Commissioner Eramo asked if there was any information about how and why the current use remained on the site. Keller was unable to answer but added that the approval pre-dates the MLUL as it was built in the 1950s.

Commissioner Perez asked about the number of homes in the area. Keller was not able to estimate.

Board Planner Nicholas Graviano did not have any comments or questions for the planner.

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

Cynthia Hadjiyannis, Esq., attorney representing City Green, inquired about the number of other storage facilities. Hadjiyannis noted that since 2005 about six (6) have been approved in the City. She added that there are about nine (9) facilities currently operating in Clifton. Keller did not know the number of facilities or the amount of total individual storage units. Keller did not review that. Keller added that the applicant has determined that a market exists for this storage facility and that is why they are proceeding. Hadjiyannis asked about the typical customer and Keller noted that most will be local homeowners seeking to store their excess items. Keller was not asked to do a market feasibility study and does not know if the applicant will sell the operation. Upon being asked if the development would fit in better in an industrial zone, Keller stated negative as the users are local residents often. Keller had no knowledge about pending ordinances to re-zone storage facilities. Keller steadfastly maintained, upon questioning, that the site is appropriate for the use and is compatible with neighbors. Keller also reiterated that the site addresses stormwater and will not impact other properties. The underground levels of the facility are not a planning detriment as these are not living spaces. Keller also maintained the zoning for the site does not accurately reflect its true nature as commercial as it has been for over 70 years.

Chairman Zecchino then opened the floor to questions from any interested parties.

Gary Porino, 491 Mt. Prospect Ave., asked about the zoning and how the building should be used. Keller noted that this is a correct use for the site.

Commissioner Foukas stated that he felt the planner confused this site as not being proper for residential because of local conditions. He noted that on Colfax Avenue a former industrial site was transformed into residential. Keller responded that site was larger and different conditions such as direct access onto a local roadway were present.

Carl Haefele, 409 Colfax Ave., asked about the differences between the current building and the proposed building in terms of height and mass. Keller agreed that the new building will be larger but there will be buffers and better stormwater management.

Mohammad Odatalla, 37 William Street, asked about the monument sign size and height. Keller provided these.

Matthew O'Donnell, 75 Karen Drive, asked how this was benefiting the community and stormwater impacts. Keller noted that the storage facility will serve the needs of the local area and that the drainage basins are going to be better than the current runoff.

Elias Ragsdale, 122 Maplewood Avenue, asked about the proximity of similar uses and for the planner to reiterate the positive criteria. Keller stated that there are similar uses in less than a mile away and ran down the prior list of positive criteria.

Vera Lazar, 2 Spencer Ave., asked about the undisturbed portion of the site remaining unused and the types of uses in the area. Keller provided those and noted that the proposed development is a better alternative to current design.

Lisa Ciccone, 68 Martindale Road, asked about the planting of trees and the effect of the Weasel brook running through the lot as well as light pollution. Keller stated that the applicant addressed all of those points.

Doris Rascher, 678 Broad St., asked about the sale of the property and the water conditions. Keller could not speak on the applicant's ownership plans and that water controls are provided.

Ann Schnakenberg, 268 Washington Ave., asked if the planner agreed that Clifton is an overburdened community and whether she reviewed the county natural resources map or the environmental justice map as the area is environmentally stressed. Keller did not review any of that and could not speak to how this site matches with those reports.

Roy Ceccato, 678 Broad St., asked the planner to review the special reasons. Keller provided that.

Jade Witter, 150 Edison Street, asked about the status of trailers on the site and whether there has been testing for environmental contamination. Keller stated that the trailers will eventually be removed, and that the applicant has satisfied engineering review.

No other parties coming forward, Chairman Zecchino noted that due to the time the matter will be continued on May 7, 2025. No further notice will be required.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Dharini Patel, 48 Holster Road, Bl. 63.09, Lot 11; Zone: R-A1 to expand current residential structure with an enclosed swimming pool with bulk variances.

Vice-Chair Molner made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 4-2.

2. Resolution memorializing the approval of the application by Mark Lasky, 822 Passaic Avenue, Bl. 81.01, Lot 6; Zone: PD-HC for a use variance to construct a private automobile garage where the permitted uses are only retail, services, office, financial, sit down restaurants and indoor recreational facilities.

Commissioner Foukas made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 5-0.

3. Resolution memorializing the approval of the application by Major Holdings LLC, 61 Lakeview Avenue, Bl. 7.12, Lot 20; Zone: B-C for site plan and use variance to convert a portion of an existing building to be used for wholesale warehousing and to continue to conduct a physical therapy and rehabilitation center in another portion.

Vice-Chair Molner made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eramo, O'Connor, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 5-0.

4. Minutes of the February 19, 2025 Regular Meeting.

Commissioner O'Connor made a motion to approve. Vice-Chair Molner seconded the motion; voting in favor are Commissioners Perez, Braid, Eramo, O'Connor, Foukas, 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 10:01 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY