

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
March 19, 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 7:02 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. **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) (Commissioner Braid
executed certification that he listened to official transcript of hearing)**

Attorney for the applicant, John Wyciskala, Esq., appeared and confirmed that it was not presenting any further witnesses and closed its presentation.

Chairman Zecchino then opened for public comment.

Fran Falleri, 196 Chambers Ct, spoke to her concerns about the amount of traffic in the vicinity of the proposed development noting it is very difficult to move about the area. She also questioned the need for a car wash in the area.

Gladys Shefchik, 38 Hall St., commented on the zoning being residential despite the number of commercial uses in the area. She questioned the accuracy of the traffic study. She stated that there is already too much traffic and that the car wash will only cause more.

James Bobenko, Highview Drive, compared this use with the similar operation in Woodland Park and stated that is very busy and consistently backed up. He also questioned the traffic study. He also believed that the site was not large enough to accommodate the use.

Fr. Peter Glabik, St. Clare's Church, expressed his concerns about pedestrians traversing the area. He also noted that school children and school buses at certain times of the day make a big impact on traffic. He was worried about conflicts between the car wash and the church's services. He also wanted more crossing guards in the area.

GP Hothi, Hall Street, shared that the area is very congested with cars. He worried about the effect on bus commuters. He also did not believe that there was any need for a car wash.

Clara Jimenez, 111 Allwood Road, stated that she has lived in the area for many years. She was worried that older people would be unable to traverse the area. She felt that the local emergency services would have a difficult time moving about the area. She also experienced waiting very long times to make turns from Allwood Road to Main Avenue.

Vivian Ann Jimenez, Virginia, noted that she visits her mother and the area is full of traffic.

Eileen Vernaleken, 40 Hall Street, commented on the heavy traffic and that there are already 18 car washes in the nearby area.

Rolando Porta, 49 Paterson Ave, worried that the car wash will only back up more traffic in the area, especially with traffic off of Route 3.

Paul Esposito, Hall Street, shared his concerns about increased traffic, pedestrian safety and the stacking of cars into the car wash.

Maria Porta, Paterson Avenue, stated that there is an increase in the population of the City and that the car wash is in the wrong place.

Evgeni Goriounov, 139 Main Ave, thanked the Board for giving him extra time to address his opposition to the car wash. He identified that the use is not permitted and therefore needs to show special reasons for being placed at this site and that it will not harm the general welfare. He argued that it will not improve the general welfare, there are other areas that car washes are permitted, if this allowed then other non-permitted uses will be allowed, and that the applicant also has not justified the need for the bulk variances.

As to the general welfare, he expressed that the traffic study is flawed because there is a lot of traffic in the area. The applicant failed to take into account the presence of the school and its effect. The ability to make turns from either Allwood Road or Main Avenue is extremely difficult and is only worsened during peak times. Costco during holiday season causes traffic

nightmare conditions. He also opined that the lack of an entrance to the car wash from Main Avenue will only confuse drivers as to location of the entry. This will clearly cause more traffic and delays. There are long lines for car washes and this one will also have that. He also believed that this use will generate noise pollution, not just from the vacuums but also from the users, air pollution from idling vehicles, and otherwise serve as a negative aesthetic impact.

Roberto Rivera, Valley Road, shared concerns about traffic increases with the car wash and that traffic off of Route 3 would add to problems.

Doreen Lefkandinos, 117 Allwood Road, spoke to all the types of vehicles travelling on Allwood, not just passenger cars but also commercial traffic which backs up more.

Public Comment was then closed.

John Wyciskala, Esq. on behalf of the applicant then made a closing statement. He reiterated the overall scope of the project and its intended purpose. He highlighted that the flag lot shape enhances its viability as cars will stack on site and not on Allwood Road to wait for service. The current state of the lot is nearly 100% paved as a parking lot and is in disrepair. This particular area is zoned residential but every use in the area is commercial, there are no adjacent residential sites. He commented that there will be very few employees on site and that this use is a better environmental alternative than the current use. Plan will reduce impervious coverage to 78%, add a landscape buffer, and vacuum areas will be away from adjacent uses. He also argued that if the car wash were in a permitted zone, this plan would be fully compliant. School traffic will be unaffected by this use as the times do not match up. Cars can be moved quickly through the wash cycle. Any comparisons to the Woodland Park site are not accurate because that site is a renovation of older car wash, this site is laid out differently and has a more modern car wash operation. The only access to the site will be on Allwood Road so Main Avenue will be largely unaffected by cars entered and leaving the site. Also the Fire Department did not make any comments to the Board expressing concern about the car wash or its effect on their response time. While conceding that traffic exists in the area, he noted that the expert traffic engineer gave his uncontested opinion that the site will not generate new traffic but instead rely upon the vehicles already traveling through the area. People are specifically driving to this as if it is a destination site, unlike a Costco. The site is particularly suited for this use because of the shape and its ability to contain vehicles on the site without effecting street movement. He summed up that the professional planner provided uncontested expert testimony as to the reasons for granting the use variance relief.

Chairman Zecchino then opened the matter to the Board.

Vice-Chair Molner stated that he was very familiar with the area. There is very bad traffic congestion at and around the intersection of Allwood Road and Main Avenue where car wash users will traverse. He also believes there will be a notable amount of noise caused by car idling and patrons. The car wash will be a detriment to the area because of the traffic it will generate. Vice-Chair Molner on that basis made a motion to deny the application.

Commissioner O'Connor seconded the motion and agreed that traffic is very heavy in the area and that this project will only increase the traffic in the area.

Commissioner Eisenman during the roll call vote advised that he was voted to deny based upon the serious concern over increased congestion in the area and the difficulty with getting through the intersection of Allwood Road and Main Avenue.

Commissioner Braid advised during the roll call vote that he was in favor of denying the application because the applicant did not convince him that it had special reasons for the use variance and that it could overcome the negative criteria aspects of traffic and pedestrian safety.

Commissioner Eramo on roll call vote noted that the decrease in impervious coverage was a benefit and that the long drive from Allwood would reduce the chances for stacking. However, she believed that this operation would bring more traffic to an area already strained with congestion especially from its location near to Route 3. She also questioned the timing of what are the peak hours of the car wash and how that could negatively effect neighboring uses.

Commissioner Foukas on roll call vote stated that he was voting to deny based on the overwhelming concern in the neighborhood. Traffic is a huge problem in that area and this will cause further congestion.

Chairman Zecchino on roll call vote expressed that he was in favor of denial because of the traffic in the area. He also believed that this site is intended to bring cars to the area and not just rely upon cars which are on other errands in the area. This will make an already horrible area of congestion that much worse.

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

NEW HEARINGS

1. Mohammad Qadadha, 282 Ackerman Avenue, Bl. 8.13 Lot: 18 Zone RB3

The applicant, Mohammad Qadadha, was called forward and sworn in.

Applicant explained that he is seeking to construct a driveway on his front lawn. He has a disabled child and having off-street parking would greatly assist them. The parking will be in tandem for two cars.

Vice-Chair Molner asked about the walkway. The Applicant indicated that it may have to be removed depending on the placement of the driveway.

Commissioner Eisenman confirmed that there is no garage at the property. Applicant agreed that as a condition of approval he would install bollards at the end of the driveway to prevent cars driving into the home.

Chairman Zecchino opened the floor to the public.

Sal Brancato, 280 Ackerman Avenue, advised that he owned the property next door. He inquired about lot line encroachment and was advised there is none. He also expressed concerns about car exhaust affecting the neighbors. He felt this was unsightly to place cars in the front of property. This also caused concern for pedestrian safety. He felt this would be a great disturbance to his tenants.

Vice-Chair Molner advised Mr. Brancato that the property to the right side of the applicant has a driveway in the front and that the proposed driveway is within the setbacks.

Commissioner Braid asked if the applicant would narrow the driveway from 15 foot to 12 foot to ensure that cars do not park next to each other but instead be limited to parking back-to-back. Applicant agreed to amend his plans to 12 foot wide driveway as a condition of approval.

Commissioner Perez clarified that the driveway will result in the loss of one on street parking space. The Applicant also in response to question noted that approval of the electric company will be secured before moving the utility pole.

Applicant closed and requested approval.

Commissioner Eisenman motioned to approve the project. Vice-Chair Molner seconded the motion.

Commissioners Eisenman, Braid, Eramo, O'Connor, Vice Chair Molner, and Chairman Zecchino voted for approval. Commissioner Foukas voted in the negative because applicant did not sufficiently express need for variance for a driveway in the front yard.

Motion to Approve passed 6-1.

2. Michael Laidlaw, 126 Rutgers Place, Bl. 27.11 Lot: 2 Zone RA2

The applicant, **Michael Laidlaw**, was called forward and sworn in.

Applicant explained that he is seeking a small extension to home to add a family room. He noted that there are no residential structures to the rear. He also shared that other residents on his street have done the same bump out without negative effect to the neighborhood.

Commissioner Eramo asked if this would trigger a lot coverage variance and was informed by Ms. Bolcato that it would not.

Applicant closed and requested approval.

Commissioner Foukas moved to approve. Commissioner O'Connor seconded the motion.

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

voted for approval. Commissioner Eramo voted in the negative because of lack of reason to allow the rear yard setback violation. Motion passed 6-1.

3. Burger Experience LLC, 74 Lakeview Avenue, Bl. 7.05, Lot 55; Zone: M-2

The applicant and his attorney came forward. Attorney Gary Cohen, Esq. stated that this applicant was seeking to open a small take-out restaurant. There would be no change to the exterior. The zone does not allow this use although the restaurant would be located in a large shopping area.

Joseph Vince, Applicant's architect/planner was sworn in and qualified to testify in the fields of architecture and planning. Vince handed out Exhibit A-1 (aerial photos of the site). He explained that the site is located in the M-2 zone which does not allow food establishments. However, the site is part of a larger shopping center which includes a supermarket and other food establishments. The current use is a dry cleaner. Vince identified that the unit is smaller than most so there will be limited customer seating and instead will focus more on take-out orders. The burger restaurant will be open until 2AM seven days a week but will modify hours depending on customer traffic. Vince explained that the parking shared by the shopping center is more than enough to serve this use. Notably, even during the busiest times, there are at least 20 more spaces open. The site is also well served by public transportation and has easy pedestrian access.

Vince described this site is particularly suited for the burger restaurant use because there are complementary uses in the same shopping center. The City's Master Plan calls for the revitalization of closed businesses and this is exactly what this applicant is doing. Moreover, there are no negative consequences to the zone. Vince opinioned that the variance could be granted because it addresses the purposes of zoning under N.J.S.A. 40:55D-2 (a), (g) and (i).

Vice-Chair Molner asked about trash handling, the common use dumpster, and grease trap maintenance which the applicant provided information.

Board Planner Nicholas Graviano spoke to the refuse area and the loading dock. He agreed that there is enough parking on site and that there is no ordinance setting the hours of operation for this type of use.

Commissioner Eisenman asked about the number of seating and was advised it would be about 23 seats in total. Applicant also clarified his hours of operation as starting at 11AM.

Commissioner Foukas asked about the owner's experience with running this type of operation and was told that the owner currently operates an IHOP facility.

Applicant closed and requested approval.

Commissioner Braid expressed that this was good location for this type of use and moved to approve. Vice-Chair Molner seconded the motion.

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

**4. Stew Leonard III Water Safety Foundation Inc., 1075 Bloomfield Avenue,
Bl. 79.01, Lot 1; Zone: B-D**

The applicant and her attorney came forward. Attorney Andrew Kohut, Esq. stated that this applicant was seeking to convert a former fitness operation to a swim school. It would be run by a non-profit entity. There will be no exterior changes, only interior. There will also be a change to the signage on the building. This is the second school for this entity. The operation includes swimming lessons and parties. There will be no impact on the sewer system.

Ryan Leonard, representative of the applicant, was sworn in. She indicated that she is the third generation of her family business. They formed the non-profit foundation after a young family member drowned. Swim school will be the state of the art. She planned on partnering with local schools and other entities to use the pool. She believes that this is the prime location for this use. Hours will be 9AM to 7PM on weekdays and 830AM to 8PM on weekends. There will be classes on swim safety. Patrons can rent the site for parties. There would be approximately 10 staff people on duty at any one time. All chemicals will be properly handled and disposed. Deliveries to the site are anticipated to be by box truck.

Vice-Chair Molner asked if food and drink would be sold on site. Leonard advised that there will be soft drinks and packaged goods available for purchase. There will be no kitchen for hot food. For the parties, the patrons can bring in their own food.

Applicant called her architect.

Anthony Guzzo, Architect, was sworn in and qualified as an expert in the field of architecture. He distributed Exhibit A-1 which was a colorized series of renderings of the pool. He gave an overview of the project. He explained the site renderings and the signage. He opined that the site is right for this type of use. He noted that the four (4) pool filters will drain into a holding tank and then be slowly released into the sewer system. All chemicals will be properly handled. Guzzo agreed that as a condition of approval the applicant would investigate the status of the sewer line with scoping and imagery.

Commissioner Eisenman asked whether showers were present in the prior use. Guzzo noted that they are adding showers and drains will go into the same holding tank prior to seeping out into the sewer line.

Board Engineer Anthony Kurus agreed with the holding tank as a good option to avoid overtaxing the sewer system. However, as a condition of approval wanted to see the applicant's numbers for amount of water going in the holding tank.

Planner Graviano also indicated that he had no problem with the sign but did not want the applicant to go beyond the standards for a wall mounted sign in the district. He noted that the current Stew Leonard sign is quite larger than anticipated.

Alan Lothian, Traffic Engineer, was sworn in and qualified as an expert in the field of traffic

studies. He assessed this site. He found the trip generation and overall traffic flow on the site. He noted that the swim school would generate traffic much as other users in the shopping center. This will not cause extra traffic, and there is ample parking on site to accommodate this use. He then submitted Exhibit A-2 (traffic report) to the Board.

Applicant called her planner.

Sean Maransky, Planner, was sworn in and qualified to provided testimony in the field of planning. He noted that this site is particularly suited to this use as being part of a larger shopping center, replaces a similar fitness use, is a positive re-use of the site, and there are no exterior changes to the site. He believed that the project satisfies the positive criteria by relaying on N.J.S.A. 40:55D-2 (a) and (g). There are some negatives as to the generation of traffic and extra parking but those are far-outweighed by the positive aspects especially teaching swim safety to children. The site is also fulfilling several of the City's Master Plan goals. Maransky agreed that the signs will be in compliance with the City Code standards. He opined that a d(1) use variance could be granted for this use. Swimming pools are usually accessory uses to a main use, but this application is different. However, this application is really no different than the prior fitness center.

Commissioner Eisenman asked if the pool will be available for general public use. Leonard stated it would.

Applicant closed and requested approval.

Commissioner O'Connor expressed that this was fabulous use with a great purpose and moved to approve. Commissioner Eisenman seconded the motion.

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

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the application by Rella and Yonathan Eisenbach, 94 Nugent Drive, Bl 69.01, Lot 1.18, Zone R-A3 to construct a new two-story addition and alterations to a single family home with a rear yard setback variance of 16.81'.

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

2. Resolution memorializing the denial of the application by Polanco & Sons, LLC, 85 Center Street, Bl. 4.16, Lot 2; Zone: PD-HC requesting a use variance to convert existing commercial space on first floor to residential with one (1) single bedroom and one (1) double bedroom unit.

Commissioner Foukas 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.

3. Resolution memorializing the approval of the application by Allie Muller, 21 Garfield Avenue, Bl. 50.12, Lot 15; Zone: R-A1 to construct a second story addition over an existing non-conforming house with variances for a rear yard setback of 19', side yard setbacks at 9.8' & 9.9', and combined yard setback at 19.7'.

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.

4. Minutes of the March 5, 2025 Regular Meeting.

Commissioner Braid made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Eisenman, 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