MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
April 16, 2025
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:
NOEL PEREZ (2A)
GRACE ROBOL (1A)
DAVID BRAID
MAUREEN O'CONNOR
GEORGE FOUKAS
VICE CHAIRMAN MOLNER
CHAIRMAN ZECCHINO

COMMISSIONERS ABSENT:
ALESSIA ERAMO
AVRAHAM EISENMAN

ALSO PRESENT:
Nicholas Graviano, P.P., Board Planner
Brian Intendola, 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.

NEW HEARINGS

1. Esther Schachner & Efraim Moskowitz,
387 Rutherford Blvd., Bl.: 58.10, Lot: 9, Zone RA3

The applicant, **Esther Schachner & Efraim Moskowitz**, were called forward and sworn in. Applicant's attorney, Dominic Iannarella, Esq., provided an overview of the project and the client's desire to have the expansion to meet the needs of his growing family.

Applicant's architect, **Jacob Weiss**, was called forward, sworn in and qualified as an expert in the field of architecture. Weiss provided an overview of the current conditions noting that there is a pre-existing nonconforming side yard setback. Weiss outlined the proposed expansion to the residence. Weiss noted that the plans call for an enlarged kitchen to meet the family's religious needs and to add bedrooms for themselves and family members. The existing garage will be converted into a den. Weiss agreed on behalf of his clients that two parking spaces will be provided in the driveway instead of one which eliminated a variance request. Plans will be amended as a condition of approval. Weiss advised that while there are a number of bulk variance requests they are either pre-existing or minor deviations from the standards.

Chairman Zecchino expressed concerns about the reduction in off-street parking and was glad to see that more off-street parking could be offered.

Commissioner Foukas questioned the ability of the applicant to move the new den portion inward more to allow for more parking. Weiss advised that was not an option.

Commissioner Perez asked about the width of the driveway and whether that could be widened. Weiss responded that was not an option as it would create another variance condition.

Board Engineer Brian Intendola advised that the City ordinance requires 19 foot long spaces, but that RSIS standard is 18 foot. If the applicant used the RSIS standard, Intendola believed that the cars could be safely parked in the driveway. Applicant agreed as a condition of approval to amend the plans to show 18 foot long parking spaces to secure two (2) off-street spaced in the driveway.

Vice-Chair Molner advised that reinforcements must be placed in the old garage area as vehicles are now pulling up in front of the den. Applicant agreed that proper reinforcement will be installed to prevent vehicles from accidentally driving into the home.

Chairman Zecchino opened the floor to the public. No interested parties came forward.

Applicant closed and requested approval.

Commissioner O'Connor moved to approve and stated that the variances requested are minor and do not raise any concerns. Commissioner Perez seconded the motion.

Commissioners Perez, Robol, Braid, O'Connor, Foukas (who agreed that the project was appropriate), Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 7-0.

2. **Avrum Friedman**, 59 Ravona St., Bl: 57.07 Lot:3 Zone RA3

The applicant, **Avrum Friedman**, was called forward and sworn in.

Attorney, Dominic Iannarella, Esq., for the Applicant explained the nature of the project. Iannarella outlined that the Applicant is seeking approval for the installation of a sunroom/pergola in his rear yard. This triggers a variance for rear yard setback, distance to pool, and lot coverage. Iannarella revealed that the pergola was originally constructed back in September 2024 just prior to the religious holiday when the Applicant's family would remain outdoors for a number of nights. Applicant wanted to keep the pergola for his family's continued year-round enjoyment. This construction was performed without zoning approval and summons were issued to the Applicant. According to the Applicant, his contractor did not inform him that any type of zoning approval or permit would be required.

Chairman Zecchino questioned the authenticity of the contractor's lack of knowledge about a City permit or zoning approval. He also noted that the Applicant had appeared before the Zoning Board in the past and would be aware of the correct procedures for building in the City.

Vice-Chair Molner questioned as to whether the area would be heated or cooled and was advised that the pergola is open air so climate controls are not an option.

Commissioner Braid also asked about the roof of the pergola. He was told that there is no roof only slats.

Chairman Zecchino opened the floor to the public. Two interested parties came forward.

Amy Maffei and Michael Maffei, 156 Edgewood Avenue, were sworn in. They are the rear yard neighbors to the Applicant. They questioned why the Applicant would be allowed to seek relief before the Board if he was charged with violating the codes. They felt that the Applicant had a history of doing what he wishes on the property and then asking for forgiveness. They ask why the Applicant should not be held to the same standards as everyone else. They also noted that the home that was approved is quite large and that adding the pergola only serves to magnify the massiveness of the home.

Amy Maffei specifically spoke to the circumstances when trees were cut down on her side of the property line, the constant bright lights from backyard events, and the general lack of privacy. The pergola only brings the activity that much closer to her bedroom.

Michael Maffei believes that the Applicant should have received permits before doing anything and should not get a pass. He noted that a retaining wall was reconfigured and as a result the Applicant's home is raised up higher comparatively to the Maffei home. This creates a lot of inconvenience. He believes that the Applicant knew a permit was needed but tried to avoid it.

Avrum Friedman was sworn in and gave a closing statement apologizing to the Maffei family and not getting a permit before the work began.

Iannarella clarified that the summons were resolved at the Municipal Court. The only issue before the Board is the pergola and that it is not finished indoor space, it is simply a covered deck.

Vice-Chair Molner confirmed that all work had ceased after the stop work order was issued.

Commissioner Foukas expressed that he did not believe that the contractor did not know that a permit and zoning approval would be needed for a permanent structure like this pergola.

Commissioner Foukas moved to deny. Vice-Chair Molner seconded the motion.

Commissioners Perez, Robol, Braid, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (who expressed that there was already variance relief granted to the Applicant when he built the home and this request did not sufficiently convince him that this new relief should be granted) voted for denial. Motion passed 7-0.

3. **Brett Bar-Eli,** 23 Conover Court, Bl: 71.03 Lot:13 Zone RA3

The applicant, **Brett Bar-Eli**, was called forward and sworn in.

Attorney, Dominic Iannarella, Esq., for the Applicant explained the nature of the project.

Applicant's architect, **Douglas Battersby**, was called forward, sworn in and qualified as an expert in the field of architecture. Battersby went over the current conditions and the proposed changes to the property. Battersby presented Exhibit A-1, a revised architectural plan, which was accepted into evidence. He explained that the current open front porch would now be enclosed. There will be space for two seats and otherwise it will be rather small in size. This causes the front yard setback violation. The side yard and combined side yard setback violations are pre-existing and will be partially continued to the rear of the property by the addition. The expansion will create a lot coverage violation. However, Battersby noted that the height as shown on Exhibit A-1 is now in compliance and no variances are needed for height. The intersecting gables will be changed by over-framing so it cannot be considered to create another story. Other changes now keep the garage and variances for off-street parking and placement of driveway are moot. AC condensers are line with the house and are placed in optimal location.

Vice-Chair Molner inquired about the ceiling height in the attic. Battersby estimated that it was around 7'6" to 7'2". Battersby conceded that the attic will remain unfinished for mechanical and storage use only. Applicant agreed to that as a condition of approval.

Chairman Zecchino opened the floor to the public. No interested parties came forward.

Applicant closed and requested approval.

Commissioner Foukas noted that the basement area is being left untouched and that will remain in its current condition.

Vice-Chair Molner agreed that Exhibit A-1 showed very appropriate changes.

Vice-Chair Molner moved to approve. Commissioner Foukas seconded the motion.

Commissioners Perez, Robol, Braid, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (who noted that he was very pleased with the changes) voted for approval. Motion passed 7-0.

4. **Markgold LP,** 1155 Bloomfield Ave., Bl. 79.04, Lot: 26, Zone M1

Attorney, John Veteri, Esq., for the Applicant explained the nature of the project. The variance request is for an updated use at a former print shop location. The print shop has been in existence since 1952 but now sits vacant. There is a pre-existing access easement to allow vehicles to get off the site to Bloomfield Avenue. The Applicant is seeking to reinvent the site and reinvest in the future. That is why they are asking for relief for a revised back parking area and loading dock spaces.

Applicant's engineer, **David Fantina**, was called forward, sworn in and qualified as an expert in the field of engineering. Fantina went over the current conditions and the proposed changes to the property. Fantina noted that the layout of building does not change much but for an extension for the loading dock area. The space is needed to meet current economic needs. The loading dock creates a slight increase in lot coverage, but Fantina noted it is a useful addition to meet the loading space number required by the City Code. Fantina added that while additional parking area is being created, there is no other available space to place parking stalls on site so a variance is necessary. Fantina agreed as a <u>condition of approval</u> to add landscaping screening to the loading dock and building area. Fantina also conceded that as a <u>condition of approval</u> there will be solid fence trash enclosure. Fantina advised that he reviewed the Board Engineer letter. He will correct his places to comply with the letter. Fantina believed that some of traffic requests were not necessary as the type of vehicles accessing the site will be smaller trucks and vans, not large container trucks.

Vice-Chair Molner asked about the number of employees and was informed that it is likely to be less than 30 but the final end user has not yet been determined.

Applicant's architect, **David Ziobro**, was called forward, sworn in and qualified as an expert in the field of architecture. Ziobro went over the current conditions and the proposed changes to the property. He explained the finishes to the building as well as the new loading dock area.

Applicant's planner, **Matthew Seckler**, was called forward, sworn in and qualified as an expert in the field of planning. Seckler went over the current conditions and the proposed changes to the property. Seckler noted that the site was historically used as a print shop. The zone did not and still does not allow print shops. As such this is d(2) pre-existing non-conforming use expansion request. Seckler noted that the expansion is minor and actually makes the site more useful. The Applicant also has significantly increased on-site parking, albeit not the full parking standard required. The site under its current configuration could not allow for all parking spaces. Seckler opined that there is no negative impact to this expansion as the site is not adjacent to any use which will be affected. He added that the footprint of the building is mostly unchanged. He shared that variances are mitigated by the additional landscaping where now none exists. Seckler opined that the goals of the MLUL for the free flow of traffic are met by this application.

Board Planner Nicholas Graviano stated that this site is only accessible by the private street to which the Applicant has an access agreement. However, to the average person the street would appear the same as any other street. Access issues should be reviewed but Board should keep in mind that the street can be viewed as if it were a public roadway.

Board Engineer Intendola agreed with that viewpoint.

Commissioner Perez asked whether parking could be aligned differently to secure more parking. Seckler advised that would not work out due to the site conditions and limitations.

Chairman Zecchino opened the floor to the public. No interested parties came forward.

Applicant closed and requested approval.

Vice-Chair Molner moved to approve. Commissioner Robol seconded the motion.

Commissioners Perez, Robol, Braid, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (who was pleased with the increase in parking) voted for approval. Motion passed 7-0.

5. **144 Huron LLC,** 138-152 Huron Ave., Bl. 42.12, Lot: 25 & 36.01, Zone M-2

Attorney, Michael Piromalli, Esq., for the Applicant explained the nature of the project. He advised that the Athenia Veterans Post ("Post") has a large parking area across the street from its community hall. The parking lot is not used by the Post unless there is an event. The business across the street has a greater need for the parking. A subdivision of the parking area is now requested.

Applicant called **James Sprayberry** the representative of CTC I Technology who will be the end user for the subdivided parking area. Sprayberry explained the business hours of operation and nature of operation and the need for on-site parking. He explained that there will not be any overnight parking on the subdivided lot and that would be a <u>condition of approval</u>.

Applicant called **Steven Hatala** a representative of the Post. He stated that the Post intends on continuing after the subdivision. It will use the smaller lot which has more than enough spaces for their current needs and they have an agreement to use the rest of the parking area if needed when the business is not in operation. Post otherwise is seeing a dwindling membership and financial resources and subdividing off a portion of the parking lot will help.

Commissioner Foukas asked about the existence of an agreement between the parties to park on the subdivided lots and was told that would be provided after approval.

Applicant's planner and traffic engineer, **Matthew Seckler**, was called forward, sworn in and qualified as an expert in the field of planning and traffic engineering. Seckler went over the current conditions and the proposed changes to the property. Seckler presented three exhibits, A-1 revised subdivision plans, A-2 colorized map of current lots, and A-3 colorized version of subdivided lots. These were accepted into evidence. He stated that the subdivision will result in the business now becoming complaint with its parking standards and the Post remaining compliant with its parking standards. Seckler shared his opinion of the overall benefits of the subdivision notably that both uses benefit and that there will be little noticeable physical change to the parking area. Seckler shared that both the Post and the business use are not permitted in the zone. This results in a d(2) expansion of a pre-existing nonconforming use variance. Seckler added that this is a very good expansion because both uses are ending up better off with the right sized parking needs. He added that the site can be easily used for shared parking when the needs of one use are higher than the other. He provided that this applicant shows sufficient proofs for d(2) relief as parking is not deficient and there is no physical increase to any building size. This also meets the goals of the MLUL under section (a) and (h). The revision has eliminated the request for lot coverage and all other conditions are pre-existing which are untouched.

Chairman Zecchino asked about whether the current easement allowing access to the business from Huron will remain. He was told that it would as the subdivision does not affect that area.

Vice-Chair Molner believed that a written agreement should be made to ensure that the Post will have access to parking when necessary. Applicant agreed as a condition of approval to have a parking agreement with specific notation about the cross-access and to have the Board Attorney review and approve same. Applicant also agreed as a condition of approval to have the subdivision deed reviewed and approved by the Board Attorney.

Chairman Zecchino opened the floor to the public. No interested parties came forward.

Applicant closed and requested approval.

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

Commissioners Perez, Robol, Braid, 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 approval of the application by Fowzi Mustafa**,** 70 Grant Ave., Bl.: 17.04, Lot: 97, Zone RA3 for first and second floor addition and alterations with bulk variances.

Commissioner Foukas made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Robol, Braid, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 6-0.

2. Resolution memorializing the approval of the application by Daniel Norman, 35 Laurel Ave., Bl. 50.11, Lot: 7, Zone RA2 for new single family residence with bulk variances.

Vice-Chair Molner made a motion to approve. Commissioner Robol seconded the motion; voting in favor are Commissioners Robol, Braid, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 6-0.

3. Resolution memorializing the approval of the application by New Hope School, 806 Clifton Ave., Bl. 35.04, Lot: 9, Zone(s) RB1, BC, & M1, for a two uses on one lot to continue using the existing Boys & Girls Club of Clifton as a private K-8 School.

Commissioner Robol made a motion to approve. Vice-Chair Molner seconded the motion; voting in favor are Commissioners Perez, Robol, Braid, Foukas, Vice-Chair Molner, and Chairman Zecchino. The motion passed 6-0.

4. Resolution memorializing the approval of the application by Alex Milich, 263 Parker Ave., Bl. 4.11, Lot: 14, Zone PD-1for expansion of an existing non-conforming mixed-use building in the form of a 3rd story where 2 stories are permitted.

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

5. Minutes of the April 2, 2025 Regular Meeting.

Commissioner O'Connor made a motion to approve. Commissioner Briad seconded the motion; voting in favor are Commissioners Perez, Robol, Braid, 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 8:57 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY