

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

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

NOEL PEREZ (2A)
DAVID BRAID

ALSO PRESENT:

Nicholas Graviano, P.P., Board Planner
Anthony Kurus, P.E., Board Engineer
Liana Bolcato, Asst. Zoning Officer
Richard Hawkins, Esq., Counsel/Secretary

Chairman Zecchino called the Meeting to Order at 7:01 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. BMJR REALTY LLC, 423 Lakeview Ave., Bl. 1.16, Lot 1; Zone BC

Applicant's attorney, Dominic Iannarella, Esq., asked to withdraw the application without prejudice.

Vice-Chair Molner moved to approve. 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.

2. Shimshon Klein, 90 Rutherford Blvd., Bl.: 60.10, Lot: 19, Zone RA3

The applicant, **Shimshon Klein**, was called forward and sworn in.

Attorney, Dominic Iannarella, Esq., for the Applicant explained that the applicant has revised plans to eliminate parking variance and height variance.

Applicant's architect, **Joseph Donato**, was called forward, sworn in and qualified as an expert in the field of architecture. Donato went over the revision to the plan. The height of the building was lower to make it compliant with the Code. Two parking spaces off-street are now provided, so no variance is required. All other variance conditions remain. Driveway within 5 feet of side yard is a new variance. This is necessary to allow the off-street parking and also because of the orientation of the current home structure.

Vice-Chair Molner asked why the property is still noted as a 2.5 story building. Donato indicated that the attic area is over 5 feet height so it counts as a half floor, but it is not really a full floor.

Commissioner Eisenman asked if the driveway planter is being used instead of a bollard at the end of the driveway. Donato confirmed it serves same purpose of protecting the home.

Chairman Zecchino opened the floor to the public.

Larry Mesmer, 75 South Parkway, spoke in favor of enlarging the home and the application.

Applicant closed and requested approval.

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

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

3. GEELAND, LLC, 811-813 Rt 46, Bl. 34.03, Lots 75 & 77, Zone: R-A2

Attorney, Michael Sullivan, Esq., outlined the history of the application and the reliefs sought by the applicant. He confirmed that the Applicant has concluded its case-in-chief and has applicant's planner ready for rebuttal testimony. Sullivan also advised that he had submitted correspondence from NJDOT and follow-up email from applicant's Traffic Expert which indicate that the NJDOT has determined that the site is safe for traffic movements.

Cynthia Hadjiyannis, Esq. indicated that she represents City Green as an interested party to the application. Hadjiyannis advised that she wishes to present expert planning testimony.

City Green's planner, **Collen McGurk**, was called forward, sworn in and qualified as an expert in the field of planning. McGurk advised that she reviewed application, ordinance, City's Master Plan, and also visited site. She went over the relief standard for a d(1) use variance. McGurk

opined that a large commercial use such as this self-storage facility is not a beneficial use to the zone. It is out of character with the area which is residential. It does not present a desirable visual environment. It is out of scale to neighboring properties which are residential, a farm and small commercial uses. This is much higher and larger than other commercial uses. There are also safety issues to be considered as to the items that may be stored on site. The proposed building contains four stories, although two are now below ground, and remains intense use in the area. The proposal serves no critical public purpose as there are already a number of similar uses in the City. Master plan goals are not being met such as Goal one for balance of uses and reduction of nonconforming uses. This is an incompatible use with other current uses (residential) and is an intensification of nonconforming use. Master Plan Goal six seeks the rehabilitation of outdated sites but this does not rehabilitation. Also Goal Six is meant to encourage job growth, this project actually reduces the number of employed persons on site. This is not in-fill or redevelopment in the traditional sense as the City. RA1 and RA2 zones are meant to encourage residential uses and does not incentivize commercial uses. The application will negatively impact the area and will not provide any positive benefit to the community. Visual aspects are a major detriment because local residents will view a blank wall. Grade change works to make the building look larger to adjacent residential and farm properties. Landscaping offered will be insufficient because much of the offered trees will not grow to full size for many years or will not completely screen the building. Light and air quality are negatively impacting the area. City over the decades never changed the permitted uses in the area to include self-storage facility. Not particularly suited for this location. The project is not inherently beneficial and no hardship has been claimed. O-1 was introduced as an aerial of the area, O-2 location of self-storage facilities, O-3 a listing of self-storage distances, and O-4 a showing of residential uses in the area. The uses in the surrounding area are all appropriate for their respective zones.

Commissioner Eisenman asked as the property is landlocked what would be the appropriate use. McGurk advised that the City has already declared this as residential, it is not ideal but can be done.

Applicant's Attorney asked several questions of the planner. McGurk indicated that she did not watch all of the testimony. McGurk agreed that the current use is not in good shape. McGurk agreed that there have been no residential developments built with frontage on Route 46. NJDOT allows access to the site from the ramp and there is no connection to local roadways. Property can be reasonably developed as residential even if not ideal. Self-storage facility does generate a low amount of traffic as opposed to a school or house of worship which would be higher. Parking is sufficient. Landscaping plan is not in conformity with the standards for M-1 zone. Stormwater retention system is compliant with code.

On re-direct, McGurk indicated that townhomes could be built on site rather than single family home. Any concerns about the zone should be rectified by the Municipal Council by ordinance, but they chose not to change it.

Chairman opened the floor to public for questions.

Gary Porino asked a series of questions about potential residences on site, NJDOT standards, and professional opinions.

City Green's representative, **Jennifer Papa**, was called forward and sworn in. Papa explained the purpose of City Green and its farm activities. Noted that it is one of the last farms in the City. Important to remember the investment made by the City in the farm. A self-storage facility negatively impacts the farm.

Applicant Attorney asked if the property is permanently deed restricted and owned by the City. City Green representative agreed that there was a low traffic generator and low parking.

Commissioner Eramo asked Papa if she had any idea of what could be built on the site when she started the farm. Papa said no and did not think of it as the site was always vacant.

Board Planner Graviano advised that buffering and setbacks provided by the Applicant are greater than what is required. Schools and houses of worship and homes do not require buffering. This proposed buffering is a benefit to the farm

Papa says the residential uses are welcome and buffer is not an issue for them.

Chairman opened the floor to public for questions.

Elizabeth Aviles, Colfax Avenue, asked about wildlife.

Elias Ragsdale asked about City Green vision and its importance to nature.

Lisa Ciccone raised concerns for security of livestock and staff and Papa said that she will have to consider it in the future.

Chairman Zecchino opened the floor to the public for comments.

Helen Kubik spoke against the project due to traffic and overdevelopment.

Applicant Attorney raised concern about comments about proximity to similar developments. City Green Attorney thought these comments should be welcome. Chairman Zecchino indicated that public comments will be allowed appropriate latitude.

Carl Haefele spoke against the project due to traffic and effect on property values.

Gary Porino spoke as a member of the Traffic Safety Council and indicated the group's objection to the placement of the project and effect on traffic.

Joan Jacobus spoke against the project due to environmental concerns.

Frank Angiullo spoke against the project due to traffic concerns.

Matthew Ward spoke against the project and as a member of the Traffic Safety Council and supported that the traffic is a lot worse than demonstrated by the Applicant. On and off ramps are

very close and project presents a multitude of traffic concerns.

Board Planner Graviano clarified that the NJDOT will be the ultimate body to approve the traffic patterns in the area.

Lana Mustafa spoke against the project for its impact on the adjacent City Green farm.

Alias Ragsdale spoke against the project as it does not serve the needs of the City and only serves to harm the farm.

George Atticus spoke against the project because of negative effect on residences and farm.

Chris Rivera spoke against the project due to the potential for accidents and the self-storage building being of no community value.

Mohamed Odatalla spoke against the project and in favor of keeping the farm without negative impacts.

Ari Bildner spoke against the project due to its overdevelopment and its negative effect on the farm.

Eugene Hazelman, president of the Passaic County Farm Bureau, spoke in favor of the project's effect on the farm, wind, water runoff, sunlight and other environmental losses.

Tania Bailey spoke against the project and its effect on the farm and the lack of community benefit of the project.

Martyna Michalska spoke against the use variance change as the City has desired this site to be residential and in favor of protecting the farm.

Daniel Michalski spoke against the project and the high potential for accidents.

Shelia Zegarra spoke against the project and its effect on trees and vegetation, and the real impact of the buffer proposed by the applicant.

Vera Lazar, a member of the Clifton Environmental Commission, spoke against the project for its environmental impacts.

Doris Rascher spoke against the project as the applicant is seeking to maximum his financial return in contravention of the City zoning, this has been for very a long time as residential.

Matt Graceffo spoke against the project as it has negative impacts on the farm.

Margeret Schilling spoke against the project as the City does not need the project.

Karen Majka spoke against the project as it harms the City.

Paul Perlinski spoke against the project and this proposal is ugly.

Erin Boniaga spoke against the project as self-storage facility and its negative effects on the area and concern about the effect on the farm.

Jada Witter spoke against the project as the project is not in line with the zone and negatively effects the farm.

Michael Oates spoke against the project and its negative effects on the farm and the overall negative effect on the City zoning.

Henry Cholewazynski spoke against the project as it is bad for the neighborhood and bad for traffic.

Allene Shapiro spoke against the project and its negative effect on the farm.

David Wyka spoke against the project and felt there is no need for a self-storage facility in this area.

Lisa Ciccone spoke against the project as the project is just overall bad to the entire area. Traffic, flooding, property value, and zoning are supposed to be considered, but this project does not properly address these concerns. Land preservation should be valued over maximizing profits.

Roy Ciccone spoke against the project due to the flooding, traffic, accidents, and in general the risk is not worth the project.

Ann Schnakenberg spoke against the project and directly pointed to the failure of the traffic report to be inclusive of accident data, and the negative effect on the farm.

City Green's attorney then provided a closing statement. Hadjiyannis pointed to the high standard that has to be met in order to grant a use variance. She argued that the testimony provided did not establish why a variance should be given to a self-storage facility when it was specifically not included in the zone. There was no demonstrated need for another self-storage facility in this particular area. City over 70 years never changed the zone, this should be considered strongly against changing the zone at this time. The project has negative impacts on the adjacent uses including the farm. Buffering and landscaping is insufficient.

Applicant's attorney then spoke in conclusion. Applicant has placed a very good plan to the Board. Applicant significantly changed the project to accommodate concerns about the visual impact of the site. A height variance was eliminated over the course of the project. Parking spaces were increased by those changes. The mass of the building above grade is two stories lower than original. The building was move further away from the farm and the residences. Noted that the Board Planner concurred with the project. The project meets and exceeds the landscaping standards of the zone. Traffic was researched and this site is one of the lowest traffic generators. NJDOT has concluded that the design of the access is safe and does not cause significant traffic.

Site lines are being improved. Planner provide extensive support that this site is particularly suited for this use. Planner noted that residential, while allowed, is not feasible under these conditions. Other allowed uses would be worse for traffic concerns. Many positive benefits of this project including an adaptive re-use of an abandoned structure. There are no substantiate negative effects from this. It is a benign structure. This will not impact them in any notably way. This site is completely cut-off from the residences in the area due to the roadways and the farm. Sign package is not only important for the self-storage facility but also to ensure that persons traveling to the site have enough time to prepare to enter the site. The Applicant would agree to various conditions of approval including, compliance with engineer review letter, seek all agency approvals, amend monument sign in accordance with planner comments, fire prevention compliance, payment of non-residential fees for COAH, and a wall-mounted sign only on the Broad Street side

Applicant closed and requested approval.

Commissioner Foukas thanked the community for coming out and expressing their opinions. Quality of life is a determinator for projects and listening to applicant's experts as well as the people who live in the area. The people have raised valid points about the environmental effects and traffic. Engineering testimony glanced over the effect to groundwater from burying two full levels of building. Placing the building that deep may lead to water infiltration on neighboring properties. Stormwater runoff and controls are provided but not sufficiently to satisfy that it is safe. The area is zoned residential and should stay residential. Traffic accidents are a huge problem in that specific part of Route 46. This project will only increase the potential for more accidents. He then made a motion to deny.

Commissioner Eisenman seconded the motion.

Commissioner Robol voted to deny the application.

Commissioner Eisenman commented that it was difficult but it destroyed the character of the neighborhood and does not benefit it.

Commissioner Eramo noted that her review rested on the substantial detriment to the public good. This project will result in a net loss of trees and increase impervious surfaces which will reduced air quality, reduce climate mitigation, and increase stormwater runoff. The current site has a number of trees and other natural vegetation that serves as buffer and water retention. As to the positive criteria, one of the City's goals is to preserve green space and this project does not do that. Stormwater mitigation relies on continual maintenance and if it fails it will be too late and the proximity to the neighbors and the potential for significant damage is too dangerous.

This project cannot be granted without a substantial detriment to the public good. The project as proposed does not comport with the zone plan. In such cases, the Board should be focused on public safety and general welfare and not grant variances to those which do not fully address those areas. This project fails to do that.

Commissioner O'Connor stated that it was a challenging application and understood the public's objections. Applicant tried their best to met the standards. However, it was not enough to

overcome the deficiencies.

Vice-Chair Molner commented that this was a very hard application.

Chairman Zecchino agreed it was a low intense use, but the traffic in that area of Route 46 is dangerous and there are too many accidents. Placing the access point there will only increase the chance of more accidents. This is really a safety issue. This would be a difficult issue for any development at that site to address.

Commissioners Robol, Eisenman, Eramo, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino voted for in favor of the motion to deny. Motion passed 7-0.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Esther Schachner & Efraim Moskowitz, 387 Rutherford Blvd., Bl: 58.10 Lot:9 Zone RA3 to construct a two-story addition to their existing single family home which requires bulk variances.

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

2. Resolution memorializing the DENIAL of the application by Avrum Friedman, 59 Ravona St., Bl: 57.07 Lot:3 Zone RA3 to keep and finish partially constructed sunroom/pergola which requires bulk variances.

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

3. Resolution memorializing the approval of the application by Brett Bar-Eli, 23 Conover Court, Bl: 71.03 Lot:13 Zone RA3 for an addition and alterations to the existing single family home which requires bulk variances.

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

4. Resolution memorializing the approval of the application by Markgold LP, 1155 Bloomfield Ave., Bl. 79.04, Lot: 26, Zone M1, for the expansion of warehouse, parking, and related site improvements with variances.

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

5. Resolution memorializing the approval of the application by 144 Huron LLC, 138-152 Huron Ave., Bl. 42.12, Lot: 25 & 36.01, Zone M-2 for a minor subdivision with variances.

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

5. Minutes of the April 16, 2025 Regular Meeting.

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

There being no further business before the Board, Commissioner O'Connor moved to adjourn. The motion was seconded by Commissioner Robol, with the unanimous approval of all Board members present, the meeting was adjourned at 10:11 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY