

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 21, 2025
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

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

COMMISSIONERS ABSENT:

ALESSIA ERAMO
DAVID BRAID

ALSO PRESENT:

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. Mo Salman, 15 Priscilla St., Bl. 40.01, Lot 35; Zone R-A2

Applicant, **Mo Salman**, appeared on his own behalf to present the application.

Applicant, after being sworn in, explained the project as consisting of an addition of a front porch to his current residence. The front porch will violate the front yard setback as it is 26 feet from the property line where 30 feet is required. Applicant noted that the front porch will allow him and his family members to sit out front as well as to enjoy watching his child play in the front yard. Other homes in the area have similar front porches with similar setbacks. The porch will not be enclosed. Applicant stated that he explained to his neighbors about the front porch. Applicant introduced Exhibit A-1 which was colorized rendering of the home with the new front porch.

Chairman Zecchino asked whether this application was only for the front yard and Applicant

replied in the positive.

Chairman Zecchino then opened the floor to public for questions.

Adam Kapitula, 38 Mayflower Street, identified that his property is directly to the rear of the subject site. He indicated that he is routinely flooded from rainwater coming from the Applicant's property. This flooding has damaged his property. He asked what the Applicant will do to prevent this. Applicant denied that any flooding occurred, that any damage has been experienced and that if there was a flood issue it is not caused by his use of the property.

Karen Ashey, 42 Mayflower Street, indicated that her property is diagonally to the rear of Applicant's property. She also regularly experiences flooding. She believes that the flooding is related to the installation by Applicant of an in-ground pool as well as making most of his backyard impervious with pavers. The properties on Mayflower are lower in grade to the Applicant's so all of his rainwater is impacting their properties. Applicant denied again any effect on adjacent properties. His pool water drains to the front yard, and he has a landscape buffer between the pool and the neighbor's property which stops runoff.

Commissioner Foukas asked if the objectors had been experiencing similar flooding in the past. Both objectors stated that the flooding is a more recent experience and began at around the same time that Applicant installed the in-ground pool and pavers in his backyard.

Zoning Officer Liana Bolcato noted that the Applicant's current home is under the standard for lot coverage and with the proposed front porch remains under. Also all of the structures are within lot line setbacks. There are no other variance conditions present on the site.

Chairman Zecchino stated that he understood the objectors concerns and asked Applicant if he could install a drainage pit in the rear yard to assist with stormwater control. Applicant did not agree with this.

Applicant then entered Exhibit A-2 which are a series of photos of the site which include an aerial, back and front yard locations. Applicant explained that he is already doing as required for the pool and rain runoff.

Commissioner Perez inquired if the flooding is due to rainwater or pool water. Objectors stated that the problem is related to rain storms.

Board Counsel Joseph Wenzel inquired if the objectors ever filed a complaint with the municipal court or otherwise about the flooding. Objectors responded that they had not but had contacted the City officials on several occasions to get them to stop the flooding.

Zoning Officer Bolcato responded that City officials had received the complaint and reviewed the pool status. The City found that the pool had no leaks and was draining to the front yard in line with regulations.

Board Counsel Wenzel advised the objectors that the Zoning Board only has jurisdiction over the

application as presented. This means that the Board can only render a decision on the front porch. Additionally, the Board does not have any power over homeowners and rainwater runoff. However, Counsel Wenzel shared that there are other forums to which the objectors can bring their concerns and try to seek relief.

Applicant provided a closing statement and reiterated his request for the front porch. He continued to deny any rainwater impact on the neighbors.

Commissioner Eisenman moved to approve. Commissioner Perez seconded the motion.

Commissioners Perez, Robol, Eisenman, O'Connor, Vice Chair Molner (who advised the Applicant that he should immediately address the rainwater issue with his neighbors), and Chairman Zecchino (who asked Applicant to move his downspout leaders towards the front of the property) voted for approval. Commissioner Foukas voted to abstain as he was concerned that the Applicant's use of his rear yard was causing the rainwater flooding on neighboring properties. Motion passed 6-0-1.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Shimshon Klein, 90 Rutherford Blvd., Bl: 60.10 Lot: 19 Zone RA3 to construct a two-story addition to enlarge the first and second floor of existing single family home which requires bulk variances.

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

2. Resolution memorializing the dismissal without prejudice of the application by BMJR Realty, LLC, 423 Lakeview Ave., Bl: 1.16 Lot: 1 Zone BC for use variance and bulk variances to construct a new two-story mixed use building.

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

3. Amended 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, Eisenman, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 6-0.

5. Minutes of the May 7, 2025 Regular Meeting.

Commissioner Eisenman made a motion to approve. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Robol, Eisenman, 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 8.47 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY