MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
June 4, 2025
7:00 P.M. REGULAR MEETING

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

COMMISSIONERS ABSENT:
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 7:02 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. **Robert Bender,** 43 Mac Arthur Drive, Bl. 63.03, Lot:1, Zone RA1

Applicant, **Robert Bender**, appeared on his own behalf to present the application.

Applicant, after being sworn in, explained the project as the installation of a new pergola in his rear yard. He noted that his lot is oddly shaped. There are limited areas to place the pergola that do not cause a variance. The rear yard setback is violated because of the lot line across the back of his property being uneven. The side yard setback is pre-existing as to his current home and the setback line would continue toward the back with the pergola. Applicant purposefully placed pergola as close to the home as possible to reduce setback incursions.

Commissioner Braid asked about lighting in the pergola. Applicant noted that the lighting would be integrated with yard and home lighting. This will be remotely controlled and will be turned off at night.

No interest parties appeared on this matter.

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

Commissioners Robol, Braid, Eramo, O'Connor, Foukas, Vice Chair Molner, and Chairman Zecchino (who noted that the variances are de minimus and in line with current house dimensions) voted for approval. Motion passed 7-0.

2. **Yehuda Auman,** 11 Cresthill Avenue, Bl. 70.01, Lot: 30, Zone RA3

The applicant, **Yehuda Auman**, was called forward and sworn in.

Attorney, Dominic Iannarella, Esq., for the Applicant explained the nature of the project. This addition is to serve Applicant's growing family needs. Sufficient parking on site will be provided in two (2) spaces.

Chairman Zecchino asked about the dormers in the attic area and why they create a half-story. Applicant counsel explained that the dormers increase in the height and the City Zoning Officer found that this created a half-story. Applicant's attorney consented that there would be no living space in the attic as a <u>condition of approval</u>.

Applicant counsel noted that while some bulk variances are being requested, the height of the building is in compliance with the ordinance.

Commissioner Foukas asked if anything was being placed on the flat roof and Applicant indicated that nothing was being placed on there. **Commissioner Eramo** asked if the dormers could be removed, and Applicant noted that would cause the entire attic area to be redesigned and reengineered as the dormers become part of the attic structure. Applicant's counsel consented to the placement of bollards at the end of the driveway to protect the home as a <u>condition of approval</u>.

Applicant's attorney made a closing statement asking for approval.

No interest parties appeared on this matter.

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

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

3. **Nathaniel Abitol,** 131 Cresthill Avenue, Bl. 57.01, Lot: 76, Zone RA3

The applicant, **Nathaniel Abitol**, was called forward and sworn in.

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

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 and outlined the proposed expansion to the residence. Weiss noted that the front yard setback (24.8 feet) is being brought very close to compliance with standard of 25 feet. The rear yard setback is cause by the shallowness to the lot. Weiss tried to keep the addition within the setbacks but could not accommodate that and meet client's addition goals. The driveway placement is due to the unique layout of the lot. However, Weiss noted that drainage will be bettered as a result of the driveway reconfiguration. Weiss added that the rear yard setback is not a concern because the property backs onto a cemetery.

Commissioner Foukas asked about the presence of a fireplace. **Commissioner Eramo** asked why the front porch was not considered as encroaching into the setback. **Zoning Officer Bolcato** confirmed that any structure less than 18 inches in height is not considered for the calculation of setbacks.

Applicant's attorney made a closing statement asking for approval.

No interest parties appeared on this matter.

Commissioner Foukas moved to approve. Commissioner Braid seconded the motion.

Commissioners Robol, Braid, Eramo, O'Connor, Foukas (who believed that the variances were de minimus), Vice Chair Molner, and Chairman Zecchino voted for approval. Motion passed 7-0.

4. **Hookah Paradise USA LLC,** 1219-1231 Main Ave., Bl. 11.16, Lots 5, 6 & 7, Zone B-C

Applicant and his attorney Gary Cohen, Esq., came forward. Applicant's attorney explained that the Applicant is one of the tenants in the property. The current business is split between retail and warehousing/storage uses. Applicant sells hookahs and tobacco related products. Applicant also uses the site to store those items for sale and on-line shipping orders. The Applicant's business has grown and now seeks to add a second floor to the building for additional storage space.

Applicant's architect, **Michael J. Romanik**, was called forward, sworn in and qualified as an expert in the field of architecture. Romanik provided an overview of the current conditions and outlined the proposed expansion to the property. There would be an expansion of 30 feet to the rear and a new second floor. The second floor would be only added to that section of the building housing the Applicant's operation, the other tenant will not get a second floor addition. The entire second floor above the current operation would be dedicated to storage/warehousing only. There is no expansion of the retail component. There will be an elevator and stairs placed in the new rear addition to allow merchandise to be moved to all levels. The addition will also affect the basement area to allow the elevator and stair access. The basement area is also used for Applicant's storage.

Romanik introduced Exhibit A-1 which are revised elevations of the proposed addition. Romanik noted that in response to Board Planner Graviano comments, the elevations show revised fenestration, larger windows, and extend the front fabric canopy. Romanik noted that after comments from Board professionals, the height of the second floor was reduced to 16 feet. This removes the need for d(6) height variance. Romanik then explained the interior materials. Romanik then introduced Exhibit A-2 showing revised fenestration form other angles.

Romanik then spoke to the ramp in the rear of the property to allow deliveries to the site. He described a basic loading ramp and door into the building. Also as a result of the improvements to the Applicant's side, the other building tenant, a martial arts studio, will receive an updated entryway. Romanik spoke about the project meeting the Main Avenue Overlay requirements.

Romanik noted that the Applicant receives 1 to 2 small truck deliveries. Romanik noted that will decrease after the additional storage area is built. Romanik advised that there is more than sufficient parking on site. The front yard setback is pre-existing and will be unchanged.

Zoning Officer Bolcato confirmed that the reduced second story will now comply with the allowable height in the zone.

Chairman Zecchino questioned how there would be less deliveries when the storage area is getting bigger.

Vice-Chair Molner asked whether the site actually complies with the parking requirement.

Commissioner Perez asked the reason for a rear addition when 2nd level is being added. Romanik advised that the rear addition is needed for access and that the second level addition is only going over the Applicant's business not the martial art studio.

Commissioner Eramo questioned if there would be any changes to the first floor and Romanik stated there would none. Eramo expressed concern that the 16 foot height would be insufficient to safely store two levels of pallets (usually 8 feet high each), and this would be very tight. She also had the Applicant confirm that the elevator is rated for freight movement.

Chairman Zecchino asked if the building will be sprinklered and was told yes. The sprinklers may require the pallets to be further away from ceiling.

Commissioner Foukas inquired about the product being stored on site. He did not want any cannabis product being stored on site.

Board Planner Graviano asked for more windows to be placed on the right side to which Applicant agreed to include as a condition of approval.

Commissioner Robol confirmed with Romanik that the plan will double the size of the Applicant's current space but would not increase the retail operations. Also signage will be largely the same as currently used.

Board Planner Gravino asked Applicant if another sign could be added and Applicant stated it would review that.

Commissioner O'Connor asked about basement storage and current use of basement.

Chairman Zecchino expressed concern that the significant increase in storage area will cause an increase in truck deliveries and traffic. Romanik noted that the Applicant believes the truck traffic will be lessened by the increase in storage.

The hearing was then opened to the public for questions.

Sarah Damiano, 80-84 Union Ave., asked about the operation of the freight elevator.

Jose Torres, Esq., on behalf of the Damiano family, asked about the Applicant's need for storage. Asked if the use was more in line with wholesale operations or storage. Applicant noted previously much of the items in storage are sold online. This would fall into a wholesale or online retail category rather than storage for sale on site. Attorney Torres asked about d(1) variance proofs. He questioned if this use advances the purposes of the B-C zone. Torres question how deliveries were handled. Romanik noted that no trailer trucks would be used only smaller box trucks and vans. There is no loading bay for trailers. Romanik also noted that the basement expansion is limited to allow access and it is not for more storage space.

Iyad Khawaja, 15 Putnam Place, asked why the martial arts studio was not being expanded, refuse removal, and other garbage control. Applicant advised that as a condition of approval it would remove the current trailers in the rear of the property as the items contained would now be placed in the new storage area.

Nayel Shehadeh, 19 Putnam Place, asked about stormwater control, parking, and loading area.

David Ross, 88 Union Ave., asked about deliveries, the effect of warehouse or storage on parking requirements, and expressed doubts about increase in storage resulting in less deliveries.

Applicant's engineer, **Thomas E. Donahue, P.E.**, was called forward, sworn in and qualified as an expert in the field of engineering. Donahue provided an overview of the current conditions and outlined the proposed expansion to the property. Donahue noted that current stormwater sheets off property towards Putnam Place, there will be no changes to stormwater controls as the footprint of the building is not significantly increasing. Donahue introduced Exhibit A-3 which is a revised site plan. Donahue noted that the parking lot will be modified to provide for clear circulation. Lighting will be improved and spillage will be reduced. To meet landscaping concerns, planters will be placed on the Putnam Place side of the parking lot. This will result in the loss of a few parking spaces. Also ADA spaces will be required and this reduces the number of spaces. The new number of spaces along the side of the building will be 28. There will be 48 spaces in the rear parking area. The dumpster will be enclosed. Even though planters are being used the site is below the amount of required landscaping. Donahue noted that the plans result in reduced impervious coverage.

Donahue added that trucks currently come off of Main Avenue, proceed along the side of the building, enter the rear parking lot area, complete a turnaround, deliver their items, complete another turnaround in the rear parking lot area, and then proceed off the site through the Main Avenue egress. Deliveries occur early in the morning when the parking lot is empty.

Commissioner Eramo questioned how truck deliveries occur when parking spaces are in the way.

Chairman Zecchino expressed skepticism as to how trucks are coming on and off the site. It appears that there are no drive aisles to allow this and the side appears to be a one-way route. There should be turning tables to show how this is done.

Board Engineer Kurus confirmed that truck turning tables are needed.

Applicant counsel indicated that the Applicant would take the Board and public questions into consideration and asked to be adjourned to review the matter. Chairman Zecchino advised that the matter will be heard at the July 16, 2025 meeting and that no further notice was required.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Mo Salman**,** 15 Priscilla Street, Bl.: 40.01, Lot: 35, Zone RA2 to construct a new front porch which required bulk variances.

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

2. Minutes of the May 21, 2025 Regular Meeting.

Commissioner O'Connor made a motion to approve. Commissioner Robol seconded the motion; voting in favor are Commissioners Perez, Robol, 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 Braid, with the unanimous approval of all Board members present, the meeting was adjourned at 8.50 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY