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

COMMISSIONERS PRESENT:
NOEL PEREZ (2A)
GRACE ROBOL (1A)
AVRAHAM EISENMAN (arrived at 7:08 p.m.)
DAVID BRAID
ALESSIA ERAMO
MAUREEN O'CONNOR
GEORGE FOUKAS
VICE CHAIRMAN MOLNER

COMMISSIONERS ABSENT:
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

Vice Chairman Molner 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. Vice Chairman Molner 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. Kenneth Milgrum, 14 Alvin Court, Bl. 60.11, Lot: 2, Zone RA3

Applicant, **Kenneth Milgrum**, appeared with his attorney, Dominic Iannarella, Esq., to present the application.

Counsel explained that this is a new home being developed to suit an expanding family. There are bulk variances required for front yard setback, lot coverage in excess of allowance, and 2 ½ stories where only two stories are permitted. The ½ story is caused by the installation of dormers in the attic area which are counted under the applicable City Code. Counsel explained that the dormers are only meant for storage and are about 30 square feet in area. The dormers also serve as a decorative element to break up the visual impact of the attic from the street level. The height of the attic at the ridge vent is slightly less than 7 feet. Counsel advised that his client would agree to keep the attic unfinished as a condition of approval.

Commissioners asked whether the dormers could be removed or reduced. Applicant indicated that it was not part of their plan and it would result in a loss of storage space. Commissioners inquired as to the height of the structure, access to the basement, and need for front yard setback. Applicant noted that the front yard setback is the same as the current home, there is no outside access to the basement, and the height is 30 feet. Applicant indicated that there was an effort to build in compliance with the Code but was unable to meet those standards.

No interest parties appeared on this matter.

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

Commissioners Robol, Eisenman, and Braid (in favor because of the building height is in compliance) voted for approval. Commissioners Eramo (who felt there was no need for the dormers and they should be removed to make structure compliant), O'Connor, Foukas and Vice-Chair Molner (all expressing similar position to Eramo) voted against. Motion failed 4-3 and the application was denied.

2. **Cheesesteak Kings LLC,** 304 Clifton Avenue, Bl. 12.05, Lot: 20, Zone RB1

Attorney, Frank Fusco, Esq., for the Applicant explained the nature of the project as transforming a former karate school into a restaurant. All of the renovations will be interior.

Counsel called the Applicant's representative, **Amarnath Vangala**. He explained that he is an equity owner in the restaurant and has operated similar restaurants. The restaurant will be open from 10am to 10pm. This is a new concept for the area. The operation requires only a small kitchen and dining area as the customers are largely take-out orders. There will be about 11 tables for 2 people each. The restaurant will otherwise be ADA compliant.

Commissioners inquired as to parking spaces, hours of operation, peak hours, number of employees, sprinkler system installation and handing of refuse. Applicant noted that the parking spaces will be addressed by the attorney, but many people are on site for a short period of time. The hours of operation are 7 days a week from 10am to 10pm. The peak time is lunch and there will be about 3-4 employees on site every day. On the issue of refuse, Applicant stated that the dumpster to the rear of the property will be used. The building is sprinklered as per Fire Code. There will be a barrier/fence place around the area in conformity with the comments of the Board Planner. Applicant agreed as a condition of approval to build the enclosure.

Board Planner Graviano noted that his report was specific on certain areas of concern. He agreed that site already exists and there is limited off-street parking offered. There will be no designated spaces so there will be a flow of vehicles coming in and out of parking area. This is a good use of shared parking with other commercial uses. Graviano did not want marked or designated parking spaces to allow more parking options. Counsel agreed as condition of approval to provide a cross-access agreement among the landlord and the tenants on site to ensure that there are no limitation on parking. Applicant also agreed to take down banners on site and will replace them with an appropriate sign for the business if approved. Graviano also noted that as the building is pre-existing, a <u>waiver</u> should be granted from the Applicant submitting a full site plan but he did want to have a review of the trash enclosure. Applicant agreed to that as a <u>condition of approval</u>.

Counsel then argued that the parking calculations are not accurate because it failed to take into account the size of the proposed restaurant. The contractor for the interior renovations was called and he agreed to comply with all rules and regulations of the City for this build.

Commissioner Foukas asked for no blinking lights on the exterior sign and the Applicant agreed.

Vice-Chair Molner asked for interest parties to come forward.

Lisa Bimante-Fisbeck was sworn in and identified that her parents own the property adjacent. She expressed concerns about the restaurant operations disrupting her property with smell/odor, ventilation, and fire hazards. She noted that the current garage containers are not well maintained. This attracts vermin and the smell affects area. She also pointed out that the parking is less than stated by Applicant as there are no some parking spaces that are not in authorized areas. Lastly, she noted that the fence between the properties is in disrepair and does do a good job of keeping vermin off her property.

Counsel responded that the new fence will be properly installed. Venting will be out the roof and will comply with all applicable codes. Counsel agreed that as <u>condition of approval</u>, the Applicant will ensure that no venting is directed towards neighboring properties. Counsel also identified that there will be a new management company to ensure that the property is well maintained. Driveway will also be repaved. **Commissioner Foukas** suggested that the details of the management company should be given to the neighbor in case something happens.

Commissioner Eisenman questioned the number of parking spaces. There are about 17 parking spaces on the site for use by the restaurant, liquor store and café. With those three uses on site, 17 spaces are certainly not enough according to Eisenman. Additionally, he was confused how much relief is being requested by the applicant because calculations by the Applicant were not clear enough about the spaces being generated just for the restaurant.

Board Planner Graviano advised that parking is not a big concern because it is already there and it is already shared. Under the d(3) conditional use standard which is required here, the property appears that it can accommodate this use even with lesser spaces.

Commissioner Eramo wanted the dumpster space to be larger enough to handle the refuse and recycling without spilling over to adjacent site. There should also be a consistent pick-up schedule to avoid piling up of garbage.

Commissioner Eisenman noted that the dumpster and fence which are not well shown on the plans will reduce the available parking spaces on site. He also expressed that the plans are unclear as to the placement of parking spaces. Applicant agreed as a <u>condition of approval</u> to amend the plans to provide greater detail on the dumpster and parking area.

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

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

Commissioners Braid, Eramo, O'Connor, Foukas and Vice Chair Molner voted for approval and Commissioners Robol (the parking was deficient and the use variance should not be granted) and Eisenman (expressing concerns over the parking as well as the lack of clarity in the submission to allow him to make an informed decision),voted against approval. Motion passed 5-2.

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

Applicant attorney Gary Cohen, Esq., came forward. Applicant will present witnesses to address the changes made since the last meeting. This was carried from the June 4, 2025 meeting.

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 revisions to the plan. The rear addition has been removed. The drive aisles are now wider and will allow two-way traffic on and off Main Avenue. Parking spaces have been changed from diagonal parking to parallel. There is now more room for a truck to travel around the area for deliveries. There is also now more land for landscaping and planters. 42 parking spaces are required, and this plan provides 57 spaces. Trucks can easily maneuver through the parking area and can use Main Avenue exclusively to access site. Garage truck can arrive on site from Putnam Place and then proceed out to Main Avenue. Lighting also has been modified.

Donahue also spoke to the updated list of variances needed. Front yard variance for the new second floor but this continues in line with the existing first floor. Off-street parking setback is pre-existing and continuing. There remains a deficiency of about 200 square feet of landscaping. A new water line will need to be installed for the sprinkler system. ADA compliant parking spaces are provided and the dumpster area will be enclosed.

Commissioners asked about truck traffic movements and placement of planters.

Vice-Chair Molner then opened the floor to questions.

Randolph Damiano, previously sworn in, asked about planters and removal of trees.

Jose Torres, Esq., representing the Damiano family, questioned if this was a proper use in this zone, truck movements are not clear and a portion of the truck will back into Putnam in order to turn around, refuse removal by private hauler. Donahue noted that the delivery trucks can be told not to back onto Putnam as a <u>condition of approval</u>.

Iyad Khawaja, previously sworn in, asked what can be done to reduce truck traffic on Putnam and that there will be more trucks coming to the site. Donohue noted that the parking lot has been reconfigured to allow easier access by delivery trucks. The parking lot can be accessed by Putnam and Main but deliveries will be made by Main.

Commissioner Foukas noted that there is no authority by the Board to stop trucks from using Putnam. The prior uses in the area also had trucks on Putnam without any issue.

Commissioner Eisenman questioned if the driveway aisle can be changed to prevent trucks from backing up onto Putnam and if one of the access points to Putnam can be closed. Donohue stated that could be done but it would make traffic flow onto site more difficult.

Sarah Damiano, previously sworn in, asked about the size of delivery trucks.

Applicant's architect/planner, **Michael Romanik**, was called forward, sworn in and qualified as an expert in the field of architecture and planning. Romanik provided an overview of the revisions to the plan. He explained that the reducing the addition did not change the use proposed of storage of hookah equipment and accessories. The current layout of the first floor is unaffected by the changes.

Vice-Chair Molner asked if Romanik agreed with the Graviano Report and its recommendations. Romanik noted that the use variance sought is an expansion of pre-existing non-conforming use. This is really only meant to increase the size of available storage not retail. The parking provided exceeds the requirement by 15. There is a minimal impact on the current site and other uses. The signage will comply with City code and will adhere to the Graviano Report recommendation for more signage to differentiate the tenants. The building will also comply with fire code by being sprinklered. Otherwise, this is an overall visual improvement to the current building.

Planner Graviano noted that as a <u>condition of approval</u> the exterior should be stone with brick veneer to match other buildings in the area.

Romanik continued that storage is better zoning alternative to other possible uses which would be more intense. He then submitted Exhibit A-4 to the Board, which was 4 color photographs on two pages, representative of the final look of the interior of the storage.

Commissioner Perez then asked a series of questions about the loading area versus a loading dock. He also inquired whether the floor plan could be reworked to avoid any truck traffic from maneuvering onto Putnam. **Commissioner Foukas** expressed concern about the reduction of the building or resulting in a unusable layout. **Planner Graviano** noted that the parking lot has more parking spaces than required, he believed that some of those spaces could be moved or eliminated to make the truck traffic easier.

Commissioner Eramo added that if the spaces were eliminated that more landscaping and green planting should be added to the site. **Commissioner Eisenman** also asked if closing one of the Putnam entrances could be considered.

Attorney Cohen asked for an adjournment to the September 3, 2025 regular meeting. Vice-Chair Molner announced to the public that the matter would be adjourned without the need for new notice to the September 3, 2025 meeting date.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Yosef Wolf, 217 Rutherford Blvd., Bl. 60.11, Lot: 2, Zone RA3 to add a second story addition which required bulk variances.

Commissioner Braid made a motion to approve. Commissioner Perez seconded the motion; voting in favor are Commissioners Perez, Robol, Eisenman, Braid, Eramo, and Vice Chair Molner voted for approval. Motion passed 6-0.

2. Resolution memorializing the denial of the application by JLM Chestnut Street, LLC, 22-36 Chestnut St., Bl. 15.12 Lots: 14 & 16, Zone RB1 & M-1, for a minor subdivision, use variance and bulk variances to construct a two-family residence.

Commissioner Eramo made a motion to approve. Commissioner Braid seconded the motion; voting in favor are Commissioners Perez, Braid, and Eramo. Motion passed 3-0.

3. Minutes of the June 18, 2025 Regular Meeting.

Commissioner Braid made a motion to approve. Commissioner Eramo seconded the motion; voting in favor are Commissioners Perez, Robol, Braid, Eramo, O'Connor, and Vice Chair Molner. 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 9:27 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY