

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
January 21, 2026
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

NOEL PEREZ (2A)
GRACE ROBOL (1A)
AVRAHAM EISENMAN
DAVID BRAID
ALESSIA ERAMO
MAUREEN O’CONNOR
GEORGE FOUKAS
VICE CHAIRMAN MOLNER

COMMISSIONERS ABSENT:

CHAIRMAN ZECCHINO

ALSO PRESENT:

Liana Bolcato, Asst. Zoning Officer
Joseph M. Wenzel, Esq., Counsel/Secretary
Nicholas Graviano, Board Planner
Brian Intindola, Board Engineer

Vice-Chair Molner called the Meeting to Order at 7:04 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 2026 regular meeting schedule was published in the Herald News on December 4, 2025. All notice requirements were satisfied. Vice-Chair 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. Yisreal Epstein, 146 Patricia Place, Bl. 71.01 Lot: 34, Zone RA3

Applicant, Yisreal Epstein, was present.

Applicant **Yisreal Epstein** was called forward and sworn in. He explained that he is seeking an addition to his home for growing family and work from home options. The size of lot limits the additional options because of its narrowness and shallowness. An addition cannot be completed without violating bulk standard conditions.

No interest parties appeared on this matter.

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

Commissioners Robol, Eisenman, Braid, Eramo, O'Connor, Foukas, and Vice-Chair Molner voted in favor. Motion passed 7-0 and the application was approved.

2. **Vivek Patel**, 120 Highview Drive, Bl. 53.07, Lots: 23, Zone R2A

Applicant, **Vivek Patel**, was present along with his counsel, **Michael Piromalli, Esq.** who gave a brief overview of the project and the plans.

Applicant **Vivek Patel** was called forward and sworn in. He explained the project as an addition to his home to make room for his family. He introduced Exhibit A-1 which was an architectural rendering sheet. He explained the floor plan. The new addition is all over the existing footprint of the current home. The only new variance is the addition of a front entry porch. This is similar to other homes in the area. He spoke with neighbors who were in favor of the project.

Vice-Chair Molner asked about the access to the basement which Applicant indicated is only through the home and no outside entry. **Commissioner Eisenman** questioned if the attic is to be accessible and was told only by pull down stairs. Applicant indicated that it would be used only for storage and mechanical systems as a condition of approval.

No interest parties appeared on this matter.

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

Commissioners Robol, Eisenman, Braid, Eramo, O'Connor, Foukas, and Vice-Chair Molner voted in favor. Motion passed 7-0 and the application was approved.

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

Counsel, **Gary Cohen, Esq.**, appeared and presented the application and gave an opening statement about the status of the application. He noted that several changes have been made in the plans in response to Board comments as well as concerns raised by interested parties. Applicant will proceed forward to present its final witnesses.

Applicant's traffic engineer, **Berge Tombalakian**, was called forward, sworn in and qualified as an expert in the field of traffic engineering. Traffic engineer spoke to the improvements that the site will experience in traffic flow with the new parking lot design. The addition for storage will allow for fewer deliveries by larger trucks at the site. Two off-site storage areas will be closed in favor of this more practical alternative. Traffic engineer believed that normal sized tractor-trailer trucks will be able to traverse the site to complete their deliveries. He also believed that refuse trucks will easily navigate the parking lot. All traffic will enter from Main Avenue and exit the same way. The parking lot is a significant improvement from the current design as the spaces are more appropriately laid out. In addition, the closing of two entrances onto Putnam Street is a better

planning alternative to reduce commercial traffic onto a smaller roadway. This will force traffic to the larger roadway of Main Avenue. The placement of signage will assist in controlling vehicles from exiting onto Putnam Street from the remaining egress point.

Vice-Chair Molner asked about the placement of some type of physical barrier to prevent persons from walking over from this parking lot across adjacent lots. Applicant agreed as a condition of approval to put up some type of fence to discourage pedestrians and vehicles.

Board Engineer Intindola asked how a larger storage area will result in less truck deliveries. Traffic Engineer responded that deliveries will now be accomplished by one larger trailer truck as opposed to small van and truck multiple arrivals. Also, there will be one central storage points as opposed to current three locations. Applicant agreed as a condition of approval to limit deliveries and refuse pick-up to the hours of 11am to 5pm. Applicant also agreed as a condition of approval to remove all containers on site and not return any.

Objector counsel, **Nicholas Sekas, Esq.**, then asked questions of the traffic engineer regarding traffic counts (which were not performed), the width of Main Avenue, prior restrictions of traffic movement on site, increase in deliveries, and resulting increase in pick-up of materials.

Applicant's planner, **Jessica Caldwell**, was called forward, sworn in and qualified as an expert in the field of planning. Planner explained the legal basis for granting the variances sought in this application. Planner noted that application requires a d(1) variance for both multiple uses on one site and for the storage use which is not permitted in the zone. She also noted that there are c(2) better planning bulk variances needed. There is a pre-existing variance for the distance to the front yard setback which is unaffected by this application. The applicant needs 5 loading spaces and the applicant is only proposing in effect one. Another pre-existing variance condition exists for the parking lot being less than 10 feet away from lot line. The landscaping in the parking lot has increased over the presentation of the application however there may remain a variance condition as it may be slightly below the requirement. There is also a variance needed for the front being less than 50% glass. Planner advised that the B-C zone allows for commercial uses and this was a former supermarket. The plan otherwise meets bulk standard requirements and the majority of the bulk variances are pre-existing. On the d(1) or use variance standard, Planner noted that the site is particularly suited for the storage use. There is direct access to a major thoroughfare, it is a large property with lots of parking, there is adequate space for the loading needed for this use, the prior uses were similar commercial enterprises, and the addition is within the existing footprint of the building. The plan improves pre-existing nonconformities by reducing deliveries, closing two access points onto Putnam Street, better parking lot layout, the loading area will be partial covered and reduce exposure to neighboring properties, planting containers will be added and other landscaping improvements, stormwater management will be better than current sheeting condition, and building is safer as it will be fully sprinklered. The plan also meets the purposes of zoning under the MLUL as to subsection (i) (building aesthetics are improved, larger windows will be installed and better parking and landscaping), (g) (similar commercial uses together and meets community needs for on-line commerce), and (m) (better control of traffic and delivery options). Planner believed that there would be no substantial impact on the neighborhood and the positives

of the project far outweigh any negatives. This is also in line with Clifton Master Plan to renovate current commercial buildings into more efficient operations.

Board Planner Graviano concurred with the Planner testimony.

Objector counsel, **Nicholas Sekas, Esq.**, then asked questions of the planner. Planner consented that the supermarket use and this proposed use are not similar, the definition of storage versus warehouse and the goals of the Master Plan. In response to questioning, applicant agreed as a condition of approval to avoid directing any traffic onto to Putnam Street, signage to be placed directing traffic, install an irrigation system for landscape, and increase the loading door height as proposed in the last meeting. Planner was also questioned about the special reasons for the variance and whether a neighborhood analysis was conducted. Questions were also asked about the application of the condition use standard for warehouses in the M-2 district. **Board Planner Graviano** noted that the M-2 district standards are inapplicable to this zone.

Applicant then recalled **Mousa Sheikh**, its representative to speak on the use of the site. He spoke as to deliveries and pick-ups. He noted that there are not more than one or two trips per day. Commissioners then asked about the barrier between the lots, and applicant once again consented to place some form of barrier.

Objector counsel, **Nicholas Sekas, Esq.**, then asked questions about whether the deliveries and pick-ups are more frequent as well as the true nature of the operation being wholesale versus retail.

Members of the public asked questions about limiting truck deliveries, dumpster locations, and trailer truck movements.

Applicant's attorney rested.

Objector called **Michael Kauker**, planner. He was sworn in and qualified as an expert in the field of planning. He introduced exhibit P-1 which was a series of overhead and on ground photos of the area. Objector planner explained the purposes of the zone. He noted that the Master Plan was amended several times over the years and the Council never chose to include the proposed use in the B-C zone. Alternative means and properties can be used by the applicant to achieve the same goals without requesting a use variance. It is not good planning to place a warehouse nearby residential use area. These will compromise the zone and open it up to similar applications in the future. There is no hardship being experienced by the applicant to limit him to this site. This site is not particularly suited for this use. It is too close to residences and requires a number of variances. There is greater negative impact from this use than positive. This is really a personal choice of the applicant.

Applicant's attorney, Gary Cohen, Esq., then asked questions of the Objector planner. He agreed that the following parts of the application were positive improvements on site: closing two access points onto Putnam, revitalization of an older building, additional landscaping, improved drainage and buffers, and removal of storage containers. Questions

were then asked about the definition of storage versus warehousing. Objector planner agreed that commercial uses often have storage for its for sale items on site or nearby.

Commissioner Foukas noted that the uses are commercial and this area is perfect for that. Old version of retail of walk-in customers is dead and now on-line retail requires this type of operation to succeed.

Vice-Chair Molner opened the floor for comments from public.

Sara Damiano, 80 Union Avenue, stated that the property is in terrible condition and will only be worse with this more intense use. Neighbors are not pleased with the site. Children will cut through the lot and present danger. This will now open the door to more warehouses in the area.

Sandra Maso, 80 Union Avenue, stated that the current owners are very helpful in responding to her concerns. She is very concerned that this project will increase flooding in the area and damaged areas of the parking lot.

Nicholas Zelenka was very concerned about the upkeep of the landscaping. The warehouse use does not make sense in this area.

Objector counsel, **Nicholas Sekas, Esq.**, made a closing statement against approval arguing that this is a warehouse use that is not permitted in the zone.

Applicant counsel, **Gary Cohen, Esq.**, noted that the applicant worked very hard to present an application that made sense to the Board and community. They have taken all reasonable steps to ensure that the addition does not create inconvenience to neighbors.

Commissioner Eramo (*stating that this type of use is adapting to the modern economic trends and the applicant has presented a plan to reduce the detrimental effects on the neighborhood, and the public helped to transform the plan*) moved to approve. Commissioner O'Connor seconded the motion.

The amended conditions of approval were (1) green vegetive buffer with rail fence subject to the review and approval of Board professionals, (2) signage for traffic movements back toward Main Avenue, (3) no deliveries, pick-ups or refuse collection through Putnam access point, (4) irrigation system for landscaping, (5) native plants were possible, (6) loading door height will be increased as per applicant's architect comments, (7) no storage containers on site and any now existing will be removed immediately, (8) pick-ups, deliveries, refuse collection will be limited to the hours of 11am – 5pm, (9) lights in window areas will be removed, (10) window signage will be in line with Board Planner report, (11) additional wall signage along Main Avenue will be installed as per Board Planner report, and (12) a brick veneer will be installed as per architect comments.

Commissioners Robol, Eisenman, Braid, Eramo, O'Connor, Foukas, and Vice-Chair Molner voted in favor. Motion passed 7-0 and the application was approved.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. Resolution memorializing the approval of the application by Fawzi Abelgani, 1610 Main Avenue & 80 West 2nd Street, Bl. 9.07, Lots: 25 & 26, Zone BC & M2, to convert a vacant bank into a restaurant for preliminary and final site plan approval, a use variance (parking lot), a parking variance, a sign variance for internally lit channel letters.

Commissioner Eisenman made a motion to memorialize the Resolution. Commissioner Perez seconded the motion; voting in favor are Commissioners Perez, Robol, Eisenman, Braid, O'Connor, and Vice-Chair Molner. Motion passed 6-0.

2. Resolution memorializing the approval of the application by 409-413 Crooks Ave LLC, 409-413 Crooks Avenue, Bl. 5.02, Lots: 1 & 3, Zone M-2, for the construction of an outdoor seating area for use variance for the construction of an outdoor seating area, parking variances for stall size, off-street parking in front yard, and no loading space provided.

Commissioner Robol made a motion to memorialize the Resolution. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Perez, Robol, Eisenman, Braid, O'Connor, and Vice-Chair Molner. Motion passed 6-0.

3. Resolution memorializing the approval of the application by Jhony Arboleda, 95 Huron Avenue, Bl. 43.19, Lot: 33, Zone RB1, for a driveway with a buffer of 0' where 5' required and 3' in front of the house not serving a garage.

Commissioner Eisenman made a motion to memorialize the Resolution. Commissioner Perez seconded the motion; voting in favor are Commissioners Perez, Robol, Eisenman, Braid, O'Connor, and Vice-Chair Molner. Motion passed 6-0.

4. Minutes of the January 7, 2026 Re-Organization and Regular Meeting.

Commissioner Braid made a motion to memorialize the Resolution. Commissioner O'Connor seconded the motion; voting in favor are Commissioners Perez, Robol, Eisenman, Braid, O'Connor, and Vice-Chair Molner. 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 10:05 p.m.

Respectfully submitted,

JOSEPH M. WENZEL, ESQ.,
COUNSEL SECRETARY