

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
FEBRUARY 7, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

DAVID BRAID (1A)
ALESSIA ERAMO
GEORGE FOUKAS
MAUREEN O’CONNOR
MICHAEL MOLNER
SCOTT SOCHON
GERARD SCORZIELLO
MARK ZECCHINO.

ALSO PRESENT:

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

Chairman Zecchino called the Regular 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 2024 regular meeting schedule was published in the Herald News on December 24, 2023; all notice requirements were satisfied. Chair 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.

Chair Zecchino advised all applications that the testimony given before the Board were being tape recorded. The applicants were further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

CONTINUED HEARINGS

1. DATA DELAY DEVICES, INC.

Application for Preliminary & Final Site Plan Approval, Use Variance, and Bulk Variances
11 Penobscot Street., Block 30.11 Lot 30,50,60 – M2
Attorney: John Pogorelec Esq.

Chairman Zecchino announced that this application has been continued to March 6, 2024.

Chairman Zecchino then announced that the Board would hear the applications in a different order than set forth on the agenda, as follows: (1) continued hearing on application of Asher

Witty, 20 Parson Road; (2) new hearing on application of Elidia Perez, 147 Huron Ave.; (3) continued hearing on Geeland, LLC, 811-813 Route 46.

2. ASHER & ALIZA WITTY

20 Parson Rd., Block 57.01, Lot 11

Zone: RA3

The applicant is proposing to expand an existing one-story home to include a second floor as well as a rear addition and front portico.

Applicant Asher Witty, 20 Parson Road, Clifton, NJ, appeared *pro se*; Project Architect William J. Martin, RA, AIA, PP, 25 Boulevard, Westwood, NJ, also appeared, both previously sworn. Mr. Martin stated that he revised the plans extensively in response to the comments made at the last hearing. Mr. Martin summarized the changes as follows. The main gable of the house was modified to lower the appearance of the house and make it appear less massive, and the front porch previously proposed has been changed to a portico, a variance still requested due to size but this is a significant reduction in bulk and size. The portico has been sized to match the scale of the house. Variance from the front yard setback requirement now sought for the front portico, where 25 feet is required, 25.32 feet is existing, and 19.83 feet is proposed. The applicant is also seeking variances from the minimum side yard setback (each) requirement, where 6 feet is required, and 5.44 feet is the existing condition, no change; and from the maximum lot coverage requirement where 27% is the maximum permitted and 31.05% is proposed with the covered stoop. Mr. Martin reaffirmed his variance testimony provided at the January 3, 2024 hearing regarding the satisfaction of the positive and negative criteria for a C(2) variance.

Chairman Zecchino said they have been responsive to comments and the Board appreciates it. Commissioner Souchon asked if they kept the basement entrance from the backyard; Mr. Martin stated they are keeping it due to the elimination of the garage for ease of storage access to the basement. Commissioner Souchon suggests a bilco door instead but Mr. Martin says that the basement stairs are too steep for a Bilco. Mr. Martin confirms that they are going to eliminate the basement offices as agreed at the January 3 hearing.

At the conclusion of the testimony, Commissioner Foukas made a motion to approve; Commissioner O'Connor seconds. Voting in favor of the motion to approve are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello, and Chair Zecchino. The motion to approve carries.

NEW HEARINGS

3. ELIDIA PEREZ

147 Huron Ave., Block 49.02, Lot 19

Zone: RB1

Attorney: Matthew Capizzi, Esq.

The Applicant is seeking minor subdivision approval to divide the Property into two fully conforming building lots; (1) Proposed Lot 19.01 which will contain a two-family residence and (2) Proposed Lot 19.02 which will contain the existing VFW Building. As to the VFW Building,

the Applicant seeks a use variance pursuant to N.J.S.A. 40:55D-70(D)(2), as Proposed Lot 19.02 contains a lot area less than existing Lot 19 and the reduction of lot area upon which the VFW Building will sit results in a technical identification of the non-conforming use. As to the two-family residence at Proposed Lot 19.01, the Applicant is seeking bulk variance relief.

Matthew Capizzi, Esq. entered his appearance on the record in support of applicant/contract purchaser Ms. Perez; Matthew Trello, Esq. appeared on behalf of property owner Veterans Post.

Mr. Capizzi stated the applicant is seeking a minor subdivision to create two new lots; one to contain the existing VFW building and one to contain a new two-family residence. The two new lots will conform to the zone requirements. Variances are requested as follows. For the proposed new residence: a height variance to permit a 3-story building where 2.5 stories is the maximum permitted, however the building will conform to the maximum height requirement of 35 feet; a variance from the front yard setback requirement where 25 feet is required and 21.8 feet is proposed to the front steps. For the existing VFW building: a variance from the maximum building coverage, where 25% is permitted and 56.8% is proposed; a variance from the front yard setback requirement where 25 feet is required, and 21.8 feet is existing/proposed; a variance from the minimum side yard setback requirement where 12 feet is required and 3.7 feet is existing/proposed. The applicant is also seeking a variance to expand a nonconforming use pursuant to N.J.S.A. 40:55D-70D(2), as the VFW is a nonconforming use in RB1 zone, and the proposed reduction in lot size will intensify the nonconforming use.

Mr. Capizzi stated he would present the testimony of three witnesses: architect Christopher Dougherty, AIA, 1 Iron Forge Square, Pompton Lakes, NJ 07442; site engineer Sean McClellan, P.E., 84 Gettysburg Way, Lincoln Park, NJ; and planner Kathryn Gregory, P.P. 96 Linwood Plaza #350, Fort Lee, NJ 07024, who were sworn in by Ms. Sweet.

Mr. Capizzi introduced Mr. McClellan, whose qualifications were accepted by the Board as an expert in the field of site engineering. McClellan described the existing conditions: the property is 22,500 square feet, with dimensions of 225' x 100', significantly oversized for the zone, and is approximately three times the required minimum area of 7,500 for the R-B1 zone. Mr. McClellan stated that there are various nonconforming conditions affecting the existing VFW building on the lot: minimum front yard setback, minimum rear yard setback, minimum side yard setback, and maximum building coverage. The new lot to be created will be 80' x 100'; the remainder lot will be 145' x 100', both will conform to the minimum lot requirements for the zone. The only new variance condition created on the VFW will be an intensification of the nonconforming lot coverage due to the reduction of lot area, where existing lot coverage is nonconforming at 37%, the new lot coverage will be 56.8%, and 25% is the maximum permitted. The other new lot will be developed with a 2-family house. McClellan said they will conform to all comments in the reports of the Board Planner and Engineer.

Mr. Graviano commented that the driveway as shown provides parking for four cars across in the front yard, which will require a variance to permit a curb cut of 36 feet where 20 feet is the maximum permitted by Ordinance, he recommends modifying the driveway to better conform to the Ordinance. Mr. Capizzi stated that the architect will address this comment.

Mr. Capizzi then called Architect Christopher Dougherty, whose qualifications were accepted by the Board as an expert in the field of Architecture. Mr. Dougherty testified that the Applicant requested that he provide sufficient onsite parking for four cars due to shortage of on-street parking in this area. He stated that each unit will be three bedrooms, and generally described the floor plan layout. The basement will be a garage with two spaces of parking for each unit, and four separate garage doors. Mr. Dougherty testified that the building elevations depict a clean modern-type building with a brick veneer, with a height of 34' 6", just under ordinance max of 35'.

Chairman Zecchino commented that if the plan was revised to provide two double garage doors and not four singles, it would look better and allow for landscaping between the two driveways. Mr. Graviano stated that a variance would still be needed for a revised garage layout based upon the proposed width of the curb cut. Mr. Graviano also expressed concerns about the exterior stairs, which extend into the front yard setback too much. Commissioner Molner noted that if they went to two garage doors and two driveways, they could have two separate curb cuts with a reduced width, which would eliminate the curb cut variance. Commissioner Eramo commented that the layout looks good but the issue is the number of stories. She asked if the Applicant would consider a different configuration for parking, since the plan provides a whole additional story just for parking, can't that variance be eliminated? Commissioner Braid expressed safety concerns about backing out of the driveway and asked if the Applicant looked at any alternative configurations; the street is busy.

Mr. Dougherty said he'd have to discuss with client, not sure if the parking could be reconfigured; the backing out issue is a problem in a lot of neighborhoods, would add more impervious coverage. Mr. Graviano commented that this is a conventional layout for a two-family, so the driveway layout was likely safe enough. Regarding the number of floors, Mr. Graviano noted that the basement level is the garage, and the house will have only 2.5 stories of living space; the massing meets the intent of a 2.5 story dwelling.

Mr. Capizzi then called Ms. Gregory, whose qualifications were accepted by the Board as an expert in the field of Professional Planning. Ms. Gregory provided the Board with a series of photographs, 11 x 17 photo exhibit showing existing conditions and surrounding neighborhood characteristics, which was marked as Exhibit A-1. Ms. Gregory described the surrounding neighborhood, noting that the adjacent building to the right is a three-story two-family dwelling. She testified that the M-1 zone is located across the street, with commercial uses directly across from the site. She described the remainder photos shown on A-1 as depicting other three-story two-family structures within the immediate area, located close to the property.

Ms. Gregory then addressed the D(2) variance criteria for expansion of VFW nonconforming use, describing it as a technical variance because they are removing land from the VFW, but the VFW not changing at all. The lot/building coverage is increasing because the land is being reduced but again, the existing building and site improvements are not changing.

Regarding the variances for the two-family dwelling, Ms. Gregory first addressed the variance for minimum front yard setback, where 25' required; the stairs encroach 3.2', and a variance to permit a minimum front yard setback of 21.8' is requested. Ms. Gregory opined that the ordinance is somewhat unclear on the issue of whether a front yard setback variance is actually required, as

it does not say that stairs cannot encroach, but provides other exceptions like for an enclosed porch, this is similar but stairs are not enclosed. Addressing the variance for number of stories, Ms. Gregory testified that the three-story structure is very consistent with the streetscape and surrounding neighborhood; there is one next door.

Ms. Gregory then addressed the positive criteria, stating that the following purposes of zoning are met: (1) allows for infill development in areas of existing infrastructure; this is an underutilized parcel; (2) providing light, air & space- they are meeting all bulk requirements except the additional half-story, but height conforms; (3) provides sufficient space in a variety of locations for new house. The US is short 3.8 million housing units according to Freddie Mac Study. Building stopped in 2008 after the housing crisis, but the population kept increasing. People need places to live, this advances purpose J of the MLUL.

Regarding the negative criteria, Ms. Gregory testified that there will be no substantial detriment to the neighboring properties; the VFW is there, no change proposed. The proposed development is consistent with neighborhood. There will be no substantial detriment to the Master Plan and zoning ordinance: the project is consistent with the Master Plan goal of maintaining/promoting residential uses. This is a permitted use, which advances the Master Plan goals.

Mr. Graviano stated that he agrees that the project will not negatively impact the VFW and will provide a conforming use between the nonconforming use of the VFW and the other houses in the neighborhood. Mr. Graviano stated that he does not like the exterior staircase in the front yard setback and recommends that it be enclosed, as none of the other houses in the neighborhood have exterior stairs encroaching into the required front yard setback. Chairman Zecchino expressed his agreement with Mr. Graviano's comment about the stairs, can they look at the stairs to enclose them? Mr. Dougherty replied they could revise the plans to enclose the risers within the building and eliminate the front yard setback variance. Chairman Zecchino suggests that the applicant work with Mr. Graviano to get the stairs inside the building and modify the driveway layout to provide two double garage doors served by two separate driveways, with a grass lawn between the driveways to break up the appearance from the street. Both the Applicant and Mr. Graviano agree to work together on a modified design to enclose the stairs and revise the garage doors and driveway layout, eliminating the proposed variance conditions with regard to the curb cut width and the front yard setback.

Mr. Trello states the VFW is in favor of this application, times have changed, the Veterans Post does not have any use for the lot. He notes further that the shed that crosses the proposed new lot line will be removed.

At the conclusion of the testimony, Commissioner Souchon made a motion to approve, subject to the stipulation that the applicant will work with Mr. Graviano's office to prepare a revised plan showing the exterior stairs enclosed within the building, and further that the plans will be modified to provide for two double garage doors instead of four singles, and Vice Chairman Scorziello seconds. Voting in favor of the motion to approve are Commissioners Eramo, O'Connor, Souchon, Molner, Foukas, Vice Chair Scorziello, and Chair Zecchino. The motion to approve carries, subject to the above stipulations.

CONTINUED HEARINGS

4. GEELAND, LLC

811-813 Rt 46, Block 34.03, Lots 75 and 77

Zone: R-A2

Attorney: Michael D. Sullivan, Esq.

The applicant proposes to raze the existing commercial building and construct a 4-story 125,200 sq ft self-storage facility, parking, lighting, landscaping, stormwater management, and related site improvements. The applicant seeks a variance pursuant to N.J.S.A. 40:55D-70d(1) to permit a self-storage facility use which is not a permitted use in the R-A2 Zone, and related bulk variances.

Michael Sullivan, Esq., entered his appearance on the record on behalf of the Applicant, Geeland LLC., and identified the subject property as 813-814 Route 46, located in the RA-2 zone. The Applicant is seeking preliminary and final site plan approval to raze a nonconforming commercial building in disrepair and construct a 4-story self-storage facility. The variances requested are as follows: D1, D6 for height; C variance for minimum parking- 67 required, 14 proposed; loading spaces 2 proposed, 6 required; sign variance; parking areas in front yard where not permitted. Freestanding sign setback to Route 46 right-of-way.

Mr. Sullivan introduced his first witness, Marc G. Walker, P.E., Dykstra Walker Design Group, 21 Bowling Green Parkway, Ste 204, Lake Hopatcong, NJ, who was sworn and qualified as an expert witness in the field of site engineering. Mr. Walker testified that he visited site, reviewed the zoning ordinance, prepared site plan. Mr. Walker presented an aerial overlay of the existing conditions on the site, which was marked in evidence as Exhibit A-1. An aerial overlay of the proposed conditions, prepared by Mr. Walker, dated 2/7/24, was marked as Exhibit A-2. Marked as Exhibit A-3 was a sign exhibit depicting the proposed freestanding sign.

Mr. Walker first described the site: it is 2.606 acres, located in the RA-2 zone, which has a 6,000 SF minimum lot area. This property is 11,3000 SF +. The Site is located on the ramp from Route 46 to Broad Street, property is 2 lots, lot 75 is the small lot, it is improved with a dilapidated office building. Lot 77 is larger, primarily wooded. There is a drainage easement benefiting the City of Clifton along the eastern side of property; the property slopes about 5%. The Applicant is proposing to demolish all improvements and construct a 4-story 125,200 SF self-storage building. The only ingress/egress to the site is from Route 46, which would make it difficult to develop the site for residential uses, but is appropriate for a commercial use.

Testifying in reference to Exhibit A-2, Mr. Walker stated that access to site will be directly from Route 46, cars will pull behind building to the parking area on the side and rear of building. Access to the site will be gated, patrons will have a code to allow access. Two loading bays are proposed. The facility will provide 28 individual storage spaces for rental. Fencing will surround perimeter of site and provide security. The rear of site is a turnaround area; they received fire department comments and ensured that the trucks can turn there. A drainage basin is proposed along to the right of the proposed facility. A proposed dumpster is located to the rear of the site

south of the parking area, which will be surrounded by a 15' x 10' fenced enclosure. Mr. Walker testified that the proposed building will be four stories, three stories at front, four at rear due to grade.

Mr. Walker then testified regarding the proposed stormwater management system, stating that this is a major stormwater project so they have to comply with the State Stormwater Regulations; and DOT is reviewing their plans for compliance now. A maintenance manual has been submitted to DOT for review.

A proposed septic system was originally shown on the plans because the owner was not sure if the site had access to a sewer lateral. They have since discovered that they do have access to a sewer lateral, they will have that scoped and modify plan to include sewer provision.

Mr. Walker described the proposed signage: a freestanding sign will be located along the Route 46 frontage. The site comes up on you quickly driving down Route 46 and they are regrading slope within DOT easement to open up the view and provide adequate sight distance for patrons traveling down Route 46; due to location of overpass and current site grading, it can be difficult to see the site from 46. To ensure visibility they need to situate sign 2' from ROW, that's one of the variances they are requesting.

Mr. Walker stated that LED lighting is proposed onsite to provide 24-hour security.

Mr. Walker described the landscaping as evergreens and grasses, Norway spruce, arborvitae proposed to screen site. The hours of operation will be weekdays 8:00 am to 6:30 pm; weekends 9 am to 6 pm. There will be one or two employees maximum. Renters can access the facility site from 6 am-10 pm using the gate code, in off-hours the lighting will dim.

Mr. Walker testified that there are 96 trees onsite with a caliper of greater than 4", which will be removed; they are proposing to plant 10 trees that are 10' high; that leaves 86 trees to be addressed in tree ordinance and make a \$30,100 contribution to tree fund.

Mr. Walker then described the requested variance relief as follows: a D1 use variance for storage facility in residential zone. The building itself meets all the setbacks and potentially more, the size of the building is proportionally sized for the site. The building coverage conforms to the R zone requirements. A D6 height variance is requested to permit a 4-story structure in 2-story zone. C variances are requested from the minimum parking and loading requirements. Mr. Walker testified that the City Ordinance does not have a specific requirement for self-storage parking, but applying the closest requirement would require 67 spaces, they are providing 12, this is consistent with self-storage requirements in other municipalities. With regard to loading: 4 spaces required, 2 proposed, again the City Ordinance is not tailored towards this specific use. A variance is required to permit parking in the front yard, which is needed to provide access to site due to the site's unique shape and configuration. A variance is requested from the minimum setback requirement for the freestanding sign, where 2' is proposed, and 30' is required. Commercial/freestanding signage is technically not allowed in Residential zone

Mr. Walker then provided additional testimony regarding the Stormwater Management system. He described the infiltration basin proposed at the eastern edge of the site, which will

discharge into the drainage easement. The infiltration basin will be located at a lower grade in the eastern section of the site. It will be an open air basin with sand bottom, 3-4' deep, fenced, grade separation from drive aisle. This will handle all runoff, slowly releases water via a weir and orifice; if too much water, the basin will hold it back and release slowly.

Commissioner Foukas noted that there are flooding problems in this area; Walker- this will reduce the runoff from the site and direct it to the ground. Due to the size, shape, this will allow them to infiltrate substantially more water than required. This will reduce runoff 50% from the site.

Commissioner Foukas asked how are people going to be able to see that sign from 46, Walker says they reviewed the sight lines and this will work. Chairman Zecchino expressed skepticism about the runoff due to historic flooding concerns in this area. Commissioner Eramo asked whether the stormwater calculations account for tree removal. Mr. Walker stated that it has to do with runoff coefficients; Commissioner Eramo asked whether those coefficients account for water that's absorbed currently, could they save some trees and save the \$30K tree fund if they make building smaller. Walker says they designed the building around the stormwater system.

Mr. Walker then addressed the Board Professionals' reports. Regarding the report of Board Planner Nicholas Graviano, they have no issues with the report; sign detail A-3 is in response to comments about sign. This is intended to match building. Regarding Mr. Graviano's request for additional plantings, they have no issues with that, they can replace the arborvitae with Norway spruce

Mr. Graviano noted that there is lots of greenery proposed next to the 46 ramp, and asked if they can they pitch the building closer to the ramp to get more landscaping distance between the property and Lot 63. Mr. Walker replied that the the farm property is about 10' higher than the site so there's some natural separation. Mr. Graviano stated that he would prefer more greenery/buffer to the farm and they could then plant a lot more trees on the site, Walker agrees to revise the plans in accordance with this comment.

Vice Chair Scorziello asked about the elevation from Route 46 to Colfax; Mr. Walker stated it is about a 5% slope downhill (30-32 feet). Commissioner Foukas noted significant flooding concerns in the area and asked if they could eliminate the freestanding sign, since there will be three signs on the building. Walker says the ground sign is most important for traffic safety on Route 46. Commissioner Eramo asked, and Ms. Bolcato confirmed that only permitted use in the RA-2 zone is one-family homes. Commissioner Eramo noted that although Mr. Walker testified this site isn't conducive to residential, there are residences right off 46 in other areas. Commissioner Eramo further noted that the 4th story is driving the height variance- is there a reason for that? Mr. Walker stated that the planner will address the height.

Mr. Walker then addressed the report of Neglia Engineering, generally stating that the applicant has no issues with the report. Regarding the fire department review memorandum, the biggest issue is truck turnaround, they are good with that; the building will be fully sprinklered. Regarding the police department report, the freestanding sign is 2' from ROW but 27' from

curbline; the road is offset within the ROW. Typically a shoulder is 12' wide but here there is a lot more room, so the sign will appear to be further set back than it actually is. Mr. Walker noted that the outside agency approvals required include the Passaic County Planning Board, the DOT, and Soil Conservation District.

In response to a question from Comm'r Molner, Mr. Walker confirmed that at 10 pm lights will dim to low-level security lighting; the gate will then lock and there will be no more access. Board Engineer Kurus noted that they have to discharge to DOT system, but also to City requirements, and asked Mr. Walker to talk about what is proposed in terms of green infrastructure. Mr. Walker stated the retention basin is green infrastructure, holds back water and slowly discharges. Mr. Kurus asked if they can spread other measures throughout the site, small-scale infiltration basin, looking at the whole site, can you incorporate other measures- porous pavement, dry wells, roof leaders- throughout site to better address contributory acre requirement; stating that the intent of the green infrastructure requirement is to spread it out among the site. Kurus says that DEP might not approve this, but Walker says he disagrees because they are under 2.5 acres. Walker says they can look into porous pavement for parking areas, so long as they are flat, would probably work. Chairman Zecchino noted that water is a big issue, we are having a lot of issues with flooding, they want to see if they can put the water elsewhere and spread it out to avoid burdening one area of the site. Mr. Walker responded that this site is overdesigned to handle a lot more water than current; will decrease water coming off the site. He's glad to work with Kurus to spread out the stormwater management measures. The State increased their requirements just recently, so the basin is much larger than would have been required even last year. Kurus- so design accounts for not just today's rainfall intensity, but for future rainfall intensity? Walker- State requirements changed; this plan was designed in December, this particular design was not designed to meet new rainfall distribution requirements but they can/will revise to address those requirements. Commissioner Foukas noted that this is a nice piece of property, very large, we aren't trying to stop you, but this is a lot of variances, you are creating the hardship. Mr. Sullivan responded that the variances are related to the Applicant trying to meet residential use standards, planner will address more fully, we understand your concerns.

The Board then opened the hearing to interested parties to ask questions of Mr. Walker, as follows:

- Carl Haefele, 409 Colfax Avenue, Clifton, asked, in reading your stormwater submission, there is mention of the retention pond, a 24" DOT main, is that an overflow from your pond? Mr. Walker responded that when they built Ramp N, they put in a 24" pipe, stormwater from this project will not tie into the pipe, and they are not changing the drainage patterns at all. Mr. Haefele stated his concern about flooding on the Route 46 ramps; Mr. Walker says they are reducing the overall runoff from the site. Mr. Haefele questioned how the 47.5' height dimension shown on the plans was calculated. Mr. Walker says the ordinance defines height as calculated from average grade.

- Jennifer Papa, 171 Grove Street, Clifton, stated she runs the farm stand adjacent to site. Ms. Papa noted that the adjacent site is used for organic vegetable production, and asked how will the stormwater/drainage overflow affect the adjacent farm use. Mr. Walker says that basin is designed for 100 year storm and will be drained into drainage ditch and moved away from site. Ms. Papa testifies that she wants a bigger buffer to the farm site; light pollution will affect beehives. She wants to see more consideration, additional landscaped buffer to better screen farm. Mr. Walker replies that he agreed to work with Mr. Graviano to shift the building and maintain as much of the natural vegetation as possible.
- Matthew O'Donnell, 75 Karen Drive, Clifton, states that the issue with the stormwater runoff still needs a lot more discussion; is there a pipe going from the infiltration basin to the drainage easement? Mr. Walker replies that the basin has an outlet structure, weir with a small orifice to control the flow from the whole site. Mr. O'Donnell asks whether they looked at how that will interact with the existing flows in the drainage easement. Mr. Walker replies, yes, we did look at that, there's a program called Stream Stats that shows the calculation of drainage areas to structures, and the existing flow/drainage area is only 1.9 acres, this is an incredibly small area going into this drainage area. This was originally built to be larger but now it's been cut off. So whatever is flooding the ramps is not coming off the site. Mr. O'Donnell states that these calculations are based on lab data/experimental calculations, not real world conditions, and testifies that people are concerned about their houses flooding. Mr. O'Donnell asks "Have you actually gone to the site in a storm and looked at real world conditions?" Mr. Walker responds, no, we are not required to do that; engineers have methods to calculate drainage based on approved engineering methodology. Mr. Walker acknowledges the residents' concerns regarding a significant drainage problem down on Broad St., but notes that the drainage area coming off the subject site is only 1.9 acres, and states this is not a significant contributor. Mr. Walker further states that Broad Street has a lot of impervious coverage, there's a lot of impervious coverage in the area. Mr. Walker confirms that the Applicant is not going to increase the volume of runoff off the site, which will make a significant difference in existing conditions, because there is a lot of impervious coverage on Broad St that isn't being managed or detained. Mr. Walker notes that this is typical of older developed areas that were built before current stormwater regs.

Mr. O'Donnell asks Mr. Walker whether he is planning on actually observing the stormwater during a rain event? Mr. Walker says the basin will never be filled up; these aren't minimum standards, they've been increased over time. Mr. Kurus asks Mr. Walker if he will redesign the basin to address future precipitation standards; Walker says it's not required but we will do it. Mr. O'Donnell continues: "You are removing a large number of trees, putting an extremely large building on the site. How will this change wind patterns? Have you looked at this? The Farm is concerned about disruption to wind patterns after removing trees. Mr. Walker says no, that is a highly unusual request, no one ever asked me about that. The building will break up wind, which generally blows from west to east and our site is east of the farm. Chair Zecchino asks Mr. Walker if he can look into that. Attorney says the building will not create wind. No one has ever asked that question. Mr. Graviano acknowledges that

everyone is concerned about the farm, but the building is not going to “create wind”; the building will serve as a buffer, since it’s a solid mass, better wind buffer than what’s there today.

Mr. O’Donnell continues, “You mentioned that this was the best use of this property?” Mr. Walker replies that it’s a good use, but that’s not my specialty. Mr. O’Donnell asks whether the Applicant has considered a residential use for this site. Mr. Walker replies that it would not be an ideal situation to have residential uses fronting on Route 46.

- Felicia Grammenos, 140 Hepburn Road, Apt. 15B, Clifton, notes that the front of the site will be regraded to improve visibility, and asks how will that affect runoff? Mr. Walker replies, “Not at all, only a small section of the Route 46 frontage will be regraded, will not change drainage pattern.” The only portion to be regraded is a 15’ strip to increase the view corridor, and that will be vegetated like it is vegetated now. Ms. Grammenos asks about whether the Applicant can make the parking adjacent to farm/dumpster parallel to building and not on perimeter of farm, and states that this would allow trees to remain and alleviate concerns about runoff from parking/cars. Ms. Grammenos asks if they could move the dumpster further from the farming area. Mr. Walker says they can look into that and shift building, modify location of parking and dumpster. There might be a more advantageous location for these parking spaces and maybe they can save a few trees. Ms. Grammenos asks whether the fire truck turnaround area could be relocated but Mr. Walker states that the traffic engineer will address this, but DOT will not allow access to the site via the Route 46 ramp, even for fire truck access.
- Matt Werblin, 1 Sewell Avenue, Clifton, states that if the site’s limited visibility from Route 46 means that the sign needs to be 2’ off the ROW, doesn’t that mean it will be unsafe to access the site? Mr. Walker replies that it will be difficult to access no matter how it is developed, since the bridge abutment . Mr. Werblin asks whether the Applicant considered conforming uses for the site; Mr. Walker states that he cannot address this issue; it will be addressed by the Planner.
- Roy Ceccato 678 Broad St., Clifton, asks how many other self-storage units are located within a 2-square mile radius. Mr. Sullivan objects to relevancy, they did their due diligence, Chair agrees and says the Board is familiar with other self-storage facilities in the City. Mr. Ceccato then asks whether Mr. Walker is familiar with the amount of noise pollution and traffic volume on Broad St.; he states that the noise doesn’t cease until late, this will be right near my window, he’s concerned about late access to site, trucks, people accessing site but this will create a lot of noise pollution to neighborhood after hours.
- Vera Lazar, 22 Spencer Ave., Clifton, asks how many of the site’s 2.6 total acres are currently wooded. Mr. Walker states he doesn’t have that exact but approximately 70%, so a little less than 2 acres. Ms. Lazar states that there have been references to keeping as much natural vegetation as possible; what portion are you looking to preserve? Mr. Walker replies

that they have agreed to relocate the proposed building and move it away from farm property, we will look at specific trees and try to save as many as possible. He further states that they will submit a new landscaping plan to show everyone what they intend to save. Ms. Lazar asks whether there been any onsite study of the other vegetation on the site besides trees. Mr. Walker says, no, just trees. Ms. Lazar asks what will be the increase in impervious? Mr. Walker states the coverage is currently 28,000 SF, which will increase to 59,816 SF, about 32,000 SF increase, approximately twice the existing coverage. Ms. Lazar asks, with the loss of so much natural vegetation, has there been any consideration to the impacts on air quality and temperatures? Mr. Walker replies that in a typical EIS, impacts considered are primarily construction-related. Air quality and temperature impacts are considered to be temporary but will resolve once vegetation regrows and site finished. Ms. Lazar states her concerns about the long-term impacts on climate, but Mr. Walker says that's a global issue, and engineers typically do not calculate these effects, but the impacts of this site on traffic are very minimal, and will be less than what is generated by what's there now. He notes that traffic is biggest polluter in terms of climate change effects.

Ms. Lazar then asked whether there are any wetlands on the site and how that was determined. Mr. Walker states that there are no wetlands, as determined by two sources: NJDEP GeoWeb, which shows no wetlands mapped on our around property; and a wetlands survey done by an expert, who conducted testing to verify that there are no wetlands. Ms. Lazar then asked about impacts to T&E Species- lots of woods, aren't there wildlife species, potentially T&E? What are the other wildlife impacts? Mr. Walker stated that there had been no specific study of wildlife on site. Ms. Lazar asked about the effects of removing natural vegetation on displaced wildlife; Mr. Walker replied that there had been no study of that issue. Ms. Lazar then asked about landscaping, which she stated appeared to be ornamental grasses and entirely non-native plants and trees; what percentage will be native? Mr. Walker replied that there had been no study of that, but he will look into it.

Ms. Lazar then asked about how and when will water be released from the stormwater basin; Mr. Walker replied that the basin is designed to hold one-year storm entirely, calculate flow, volume of 1 year storm, when one- year storm maxes out, it will completely infiltrate into the ground. The orifice is located at the elevation of the 1-year storm. The 1-year orifice is a little higher than it needs to be. Mr. Walker continued that for a more major event, the water is restricted by the orifice, will slowly back up into the basin, calculations are very conservative. Fills up to a weir elevation and flow out to another drainage pipe. Mr. Walker repeats that they agreed to use latest figures to design basin, this will probably require more mitigation measures.

- Doris Rascher, 1678 Broad St., Apt. B-2, Clifton, states that they get a lot of water from this property, during rain it becomes like a swamp in her front yard. She asks, when they take these 196 trees down that are holding the soil in place, is that going to exacerbate the flooding? Will storm basin attract bugs? How high will the fence be? Mr. Walker replies that the fence on high side of basin will be 42" height, low side will be landscaped with trees on berm. He states that the flooding will not be increased as they will manage the stormwater on

site. Ms. Rascher raises concerns about the dumpster location near the residences, beeping of garbage trucks, the sight lines to dumpster and large building. Mr. Walker notes that the existing trees on the site are deciduous; they are proposing evergreens that will provide a year round screen. Trees will be 6'; they grow quickly. Ms. Rascher states that her property is below theirs, and she has concerns about drainage. Mr. Walker says that they are collecting all run off from site. Ms. Rascher asks about the building lighting, how many lights are proposed and where will they be located? Mr. Walker replies that there will be 3 lights on the side of building facing you, 16' high, directed straight down, no light spillover to adjacent property. Building is about 250' away from nearest resident to the west, so large distance. Ms. Rascher asks about the size of the basin; Mr. Walker replies it will be approximately 120' x 60' not symmetrical

- Lisa Ciccone, 68 Martindale Rd., Clifton, states, that there is a 2' retaining wall around property and asks how will water get in basin? Mr. Walker replies that storm drains are placed around site to discharge into basin. Ms. Ciccone asks about the lighting, which is supposed to go down at 10 pm; will that interfere with sleep? Mr. Walker states that the site lighting will be reduced to 50% security lighting at 10 pm. Lighting has to stay on property, so there will not be any spillover to the adjacent residential properties. Ms. Ciccone states her concerns about the building signage and the potential lighting; Mr. Walker says that's a question for the architect, but they could have motion detectors, always problems, they thought that low-level constant lighting would be better. He states that all signage lighting will all go off at 10 pm. Ms. Ciccone asks if he knows that we are in an endangered species for migratory bald eagles and monarch butterflies; native plants are critical to their survival; she states that their quality of life will change with this project, and wildlife will be adversely affected. Ms. Ciccone then asks about how the grading by the bridge will be changed, and notes that they get rubble that comes down into Ramp on 46. Mr. Walker reiterates that this is a small section on highway that will be regraded and stabilized as required by the Soil Conservation District.
- Maxeau Saintil, 664 Broad Street, Clifton, asks "Would you consider not building this in Clifton due to resident concerns about drainage?" Mr. Walker replies, no, this is the property that they have to develop. Mr. Graviano addresses the planning criteria and states that it is the applicant's burden to satisfy the criteria.
- Ann Schnakenberg, 268 Washington Ave., Clifton, asks, "Have you consulted master plan? How does this plan meet those requirements?" Mr. Walker: Yes, we looked at the surrounding areas; Planner to address. Ms. Schnakenberg asks about the EIS waiver originally requested by the Applicant; Mr. Walker replies that they have to review the EIS response and address it at a later hearing. Ms. Schnakenberg then asks, "If the existing zoning rules were followed, no variances required, how many homes could you build?" Mr. Walker replies that the RA-2 zone requires 6,600 SF minimum lot area, factoring in public improvements, they'd have to do a study, but this site is not well-suited for development as

single-family homes. He states that the Applicant does not own other property adjacent to this site.

Ms. Schnakenberg then asks about the effects on the farm: this would create a heat island- have you considered that? Mr. Walker: No we haven't. Ms. Schnakenberg then states, this property might affect not just viewshed but also shade cast upon the farm? Mr. Walker defers to the planner and architect to address this. Ms. Schnakenberg then asks, "Can you explain how you designed the basin first and then the site?" Mr. Walker: They figured out how large an area they would need to address/accommodate stormwater and then figured out how large a building they could build and how much impervious. Walker says our site does not flood, but the exchange near Broad and Colfax does flood. He states that the traffic expert will testify as to NJDOT review status.

Ms. Schnakenberg: returning to effects on farmland- what about microclimate? This is a large building that exceeds normal parameters; microclimate is important to farm site. Mr. Walker: No, we have not. In response to Ms. Schnakenberg's question, Mr. Walker confirms that they did not consider environmental justice in devising this plan. Ms. Schnakenberg asks whether they consulted historic maps regarding the former Morris Canal. Mr. Walker states that they know about it since it was in their deed, but nothing more. Ms. Schnakenberg asks about drainage from the site, which will flow to the north and under Ramp M (under 46 and down to Broad St.), and asks whether the applicant is required to address the impacts of your water down to the Morris Canal. Mr. Walker states that they are not sending water down there; Passaic County Planning Board will review that. He again confirms that they will look into providing more native plantings. Ms. Schnakenberg asks how does this meet the tree removal requirements? Mr. Walker confirms that the Applicant will make a \$30,100 contribution to tree fund, and notes that this number will change with revised plans and hopefully the applicant will save a lot of trees and plant more trees on property. This is all trees greater than 4"; major trees are 6". Trees are all listed in tree removal plan.

Ms. Schnakenberg asks if there is an equivalent construction with equivalent basin that we can observe? Mr. Walker: there are many, he'd have to look into it. In response to Ms. Schnakenberg's question about the total area of undisturbed property vs. disturbed. 2.46 acres to be disturbed, includes outside areas, ROW of Rte. 46. Ms. Schnakenberg asks if the basin doesn't work, who pays? Mr. Walker: a maintenance manual will be created and recorded; posted with City Engineer; the private developer will be required to do twice yearly inspections; after rainstorms. Developer pays for inspections, whoever owns building, they have to file a report with City engineer, damage must be repaired by owner. Addressing sewage runoff, Mr. Walker stated that they originally thought there was no lateral, so they designed a small septic bed; he notes that this site will not produce much wastewater, as it will have only one bathroom for employees, very minimal sewer usage.

Ms. Schnakenberg asked if this plan complies with County's green infrastructure program; Mr. Walker replies that the County does not have jurisdiction over drainage, it's a major

stormwater project so they have to comply with State regulations; the State has primary jurisdiction. Ms. Schnakenberg asks if they had any thoughts on keeping this for open space; Mr. Walker says no. Ms. Schnakenberg asks if they met with the City before this came about? Mr. Walker states that they had preliminary discussions about the use with the City; they hired a consultant to determine need/demand for use, they met with the Economic Development Committee and they liked the use, it's low traffic generating and quiet.

This application will be continued to April 3, 2024, no further notice will be given.

ADOPTION OF RESOLUTIONS/MINUTES

1. Minutes of the January 17, 2024 Regular Meeting
Offered by Commissioner Foukas and Seconded by Commissioner Souchon, with the unanimous approval of all Board members present.

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Commissioner Souchon, with the unanimous approval of all Board members present, the meeting was adjourned at 10:17 p.m.

Respectfully submitted,

JESSICA L. SWEET, ESQ.,
COUNSEL SECRETARY