

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
March 20, 2024
7:00 P.M. REGULAR MEETING

COMMISSIONERS PRESENT:

AVRAHAM EISENMAN (2A)
DAVID BRAID (1A)
ALESSIA ERAMO
GEORGE FOUKAS
MAUREEN O'CONNOR
MICHAEL MOLNER
SCOTT SOCHON
GERARD SCORZIELLO
MARK ZECCHINO

ALSO PRESENT:

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

Chairman Zecchino called the Meeting to Order at 7:00 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. Special notice of the change in meeting time for tonight's meeting was published in the Bergen Record and the Herald News on March 3, 2024, 48 hours prior to the meeting as required by the Open Public Meetings Act. 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.

CONTINUED HEARINGS

1. GEELAND, LLC 811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2

The applicant is requesting preliminary and final site plan approval, with use and bulk variances 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.

Attorney: Michael D. Sullivan, Esq.

Chairman Zecchino announced that this application has been continued to May 1, 2024.

2. **TERESA VARGAS**, 1084-1088 Main Ave., Block 8.01, Lot 29; Zone: BC
The applicant is seeking preliminary and final site plan approval, D(1) use variance, parking variance, and various bulk variances to replace an existing one-story commercial structure with a 2-story mixed commercial and residential use building.
Attorney: Glenn Peterson, Esq.

Chairman Zecchino announced that this application has been adjourned to April 3, 2024.

3. **IVAN CABARCAS**, 66 West 2nd Street Block: 9.07 Lot: 20- Zone: M2
The applicant is requesting a use variance to replace an existing 2 story commercial property with a 3-family house which is an expansion of a nonconforming building/use in the M2 zone. Applicant also requesting bulk variance relief, a variance for a nonconforming driveway width, driveway buffer proposed at 0' where 5' required, and any other relief that may be required.
Attorney: Dominic Iannarella, Esq

Chairman Zecchino announced that this application will be carried to April 17, 2024.

4. **RICHARD LUO** 190 Beverly Hill Rd, BLOCK: 55.07 LOT: 50, Zone: RA3
The applicant is proposing a second-floor dormer addition which requires the following bulk variances; front yard setback proposed at 23.9' where 25' required, side yard setback proposed at 5.1 where 6' required and combined yard setback proposed at 9.7' where 16' required.

Chairman Zecchino announced that due to a notice defect, this application will proceed on April 3, 2024. The Applicant will not re-notice all owners within 200 feet, just the one who was missed.

Chairman Zecchino announced that the agenda would be taken out of order and the Board would first proceed with new hearings, as Quicks Realty LLC was not ready to proceed when first called.

NEW HEARINGS

1. **STEPHEN & MIRIAM BRICKMAN**, 43 Garfield Ave. Bl. 50.12 Lot 12; Zone: RA1

Stephen and Miriam Brickman appeared *pro se*, both were sworn in by Ms. Sweet. Mr. Brickman testified that they are the owners of an existing single-family home located at 43 Garfield Avenue, and they are proposing to construct a new, larger single-family residence, as they have a large family and require additional living space. Mr. Brickman testified that they are requesting a rear yard setback variance of 32.2' where 35' required for the portion of the house that will contain the breakfast room. Mr. Brickman stated that they are also requesting variances from the minimum side yard setback requirements, due to the undersized width of the lot, which is an existing nonconforming condition of 60.12 feet where 75 feet is the minimum required in the RA-1 zone. Mr. Brickman noted that the existing house is nonconforming with regard to the minimum combined side yard setback, where 24 feet is the minimum combined side yard

setback required, and the existing combined side yard setback is 22.4 feet. Mr. Brickman testified that the proposed side yard setbacks for the new house will be 7 feet to the right and 6 feet to the left, where 10 feet is the minimum one side yard required, requiring a variance. He further testified that they are requesting a variance from the combined side yard setback requirement of 24 feet, to permit the new house to have a combined side yard setback of 13 feet. Mr. Brickman further testified that the proposed new house will correct existing nonconforming front yard setback, which is presently 31.2 feet, and will comply with the required front yard setback of 35 feet.

Mr. Brickman further described the variance relief requested for the proposed half-circular driveway, testifying that they are requesting variances from the maximum curb cut width requirement of 12 feet to permit a driveway curb cut of 15 feet, and to permit the driveway to be 14 feet wide, where 10 feet is the maximum width permitted. Mr. Brickman testified that the purpose of these variances is to make the turn easier to navigate due to the sharp angle of the front property line to the Garfield Avenue right-of-way. Mr. Brickman concluded the presentation by stating that he spoke with his neighbors about this proposal, and they were supportive. No interested parties appeared in opposition to the application.

At the conclusion of the testimony, Commissioner Molner stated that the deficient lot width constitutes a hardship to the Applicants, and moved to approve; Commissioner O'Connor seconds. Voting in favor are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello, and Chairman Zecchino.

2. **CHAIM & ESTHER KOWALSKY**, 63 Cresthill Ave., Bl 70.01, Lot 5; Zone: RA3

Chaim and Esther Kowalsky, 63 Cresthill Avenue, Clifton, appeared *pro se*, and introduced witness William J. Martin, 25 Boulevard, Westwood, New Jersey, AIA, PP, whose qualifications were accepted by the Board in the fields of architecture and professional planning. All were sworn by Ms. Sweet. Mr. Martin testified that he prepared the plans submitted in support of the application, and distributed a four-page handout to the Board, which was marked as Exhibit A-1 in evidence. Mr. Martin described Exhibit A-1 as follows: page 1 is the zoning map showing subject property; page 2 is the Google street view showing the subject property with a red pin, looking south; page 3 contains a rear view of the property as it exists now; page 4 is a front view of the subject property as it looks now.

Mr. Martin identified the subject property as 63 Cresthill Avenue, identified as Lot 5 in Block 70.01 on the City tax maps. In preparation for his testimony, Mr. Martin stated that he reviewed the City Zoning Ordinance, Master Plan, and the Municipal Land Use Law. He testified that the existing house is a 2-story single family located in the RA-3 zone; the Property has a substantial slope at the rear, which makes it difficult to use rear yard. Mr. Martin testified that the lot contains 6,250 square feet, which is slightly larger than the minimum area of 5,000 square feet required in the zone.

Mr. Martin then testified regarding the proposal before the Board, stating that the Applicant wants to construct a rear addition to the first and second floor of the existing house that will include a deck. The deck will encroach 2 feet into the required rear yard deck setback of 25 feet, requiring a variance to permit the proposed deck setback of 23 feet. Mr. Martin further stated that

the Applicants are requesting a variance from the maximum lot coverage requirement of 27% to allow lot coverage of 34.9%, again due to the size of the deck and the need to create usable outdoor space in the rear yard. Mr. Martin testified that the addition will be aligned with the existing house so it will look like part of the original construction and stated that the size of the addition is typical of what exists in the neighborhood and throughout the City. Mr. Martin further stated that the addition will not contain any additional usable attic space.

Regarding the variance criteria, Mr. Martin testified that the topographic conditions on the lot create a hardship to the Applicant, as the rear yard drops off precipitously so as to make a large portion of the rear yard unusable, limiting their ability to use the rear yard for recreational purposes. The deck is a means of creating outdoor living space. Mr. Martin then testified with regard to the positive criteria, noting that several purposes of the City Master Plan are advanced by the requested variance relief, including purpose 11, the revitalization of existing housing stock, and purpose 13, the promotion of good design to enhance the appearance of existing houses. Regarding the purposes of zoning set forth in the MLUL, Mr. Martin testified that this appropriately sized modern home advances the general health, safety, and welfare, and creates a desirable visual environment. Addressing the negative criteria, Mr. Martin testified that the requested variances will result in no substantial detriment to the public good. Mr. Martin further testified that in his professional opinion, the variances can also be approved under the C(2) flexible planning criteria, whereby the benefits outweigh detriment to public good.

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

3. **JONATHAN & NAOMI LEB**, 58 Parson Road, Bl. 57.01, Lot 22, Zone: RB1

Jonathan and Naomi Leb, 58 Parson Road, Clifton, NJ appeared *pro se*, and introduced witness William J. Martin, 25 Boulevard, Westwood, New Jersey, AIA, PP, whose qualifications were accepted by the Board in the fields of architecture and professional planning. All were sworn by Ms. Sweet. Mr. Martin testified that he prepared the plans submitted in support of the application, and distributed a four-page handout to the Board, which was marked as Exhibit A-1 in evidence. Mr. Martin described Exhibit A-1 as follows: page 1 is a zoning map showing subject property; page 2 contains photos of subject property looking south; page 3- photos of property looking north; page 3- additional photos of the property looking south. Mr. Martin introduced another exhibit, described as a rendering of proposed house once modified, which was marked as Exhibit A-2 in evidence.

Mr. Martin described the site as containing an existing 2-family home in RB-1 zone, which abuts directly to the M1 zone directly to the south/rear. The existing house is a legal 2 family on an undersized lot. The proposal is to convert the house to a one-family and add a rear addition that will be behind the existing home and align with the existing exterior walls. The addition will create a new house with 5 bedrooms, 3 bathrooms, all normal sized for city/neighborhood. There is an HVAC area included in attic to serve the lower floors, this will not be livable space. The addition will be constructed at the rear facing the M1 zone.

Mr. Martin described the proposal as restoring conformity by converting to a one-family since the lot does not meet the minimum required area for the two-family use and it will reduce the intensity of use of property in terms of density and activity. The existing coverage of 26.18% is a nonconforming condition for a 2-family ; however they are increasing coverage to 32.53%. He testified that the proposal advances several purposes of zoning: it will be an aesthetic improvement. The variance condition for the rear yard setback will be going towards M1 zone, they have a buffer to residential use as required. Mr. Martin stated that the proposal advances Goal 13 of the City Master Plan, in that it will enhance appearance for redevelopment and rehabilitates building. It also advances purposes of zoning enumerated in the MLUL by providing living space for growing family. Mr. Martin testified that there will be no substantial detriment to public good, and this application can be approved as a C2 variance- benefits outweigh detriments. He described this proposal as a comfortable house for a growing family, advances purposes of zoning. Addressing the negative criteria, Mr. Martin characterized this as an expanded single-family home in a zone that permits single-family homes.

Mr. Martin then addressed the issue of the additional half-story at the attic level, stating that he spoke to the Zoning Officer about the application, but he will isolate the rear reverse gable dormer in the attic floor plan to create a space to be used for HVAC equipment for lower level of the house; this will be isolated/walled off with a hatch to get in; Martin says that the zoning officer determined that would not be a third story if it is so isolated. Mr. Martin testified that the proposed attic dormers are less than 5', Assistant Zoning Officer Bolcato says the zoning department is OK with the gables being less than 5' and the reverse dormer is not a third story. Chairman Zecchino comments that 3 stories is too much for this zone, this is a 2-story zone. Mr. Martin says they are within the height limit; Chair says the other homes in the neighborhood are 2 stories with pull-down stairs; Chair has concerns about attic ceiling height being increased. Mr. Martin states that the reverse gable in the rear is to create an attractive structure that reduces the mass from the street. Chair says he thinks roof could be lower. Mr. Martin testifies that they are not raising the ceiling heights but raising the roofline to create a more aesthetically pleasing structure. Chairman Zecchino replies that the Board will not look favorably on 3-story structures. Mr. Martin states that, under the definition, this is a 2.5 story structure only because of the dormers on the front. If he were to eliminate the dormers it would not be a 2.5 story structure. The Chairman replies that the appearance is that of a 2.5/3-story structure.

Commissioner Foukas asks why the dormers; Martin says purely for aesthetics. The Chairman asks Ms. Bolcato what about the windows on the side of the house; she says those are permitted by the Zoning Ordinance. Mr. Martin suggests he could reduce the front dormers to make them vents. The Chairman says they should be able to fit the HVAC in the attic without the rear reverse dormer. Commissioner Sochon asks about pitch of roof; Martin does not recall; Sochon suggests reducing the pitch to lower the height of the roof. Chair says neighborhood is largely like those shown on A-1; not like what's shown on A-2. He says he wants the appearance of the roof height to be reduced.

Commissioner Molner asks why not eliminate the rear dormer and just get the HVAC in the attic. Mr. Martin suggests lowering the front windows and make them decorative vents; he suggests lowering the roof ridge 2 feet and asks if this would address the concerns of the Board. Commissioner Molner says eliminate the rear dormer; that space looks like it could too easily be converted to living space; the roof should be lowered and half-story variance could be eliminated. In response, Mr. Martin asks to carry to April 3 meeting so they can address

comments. The Chairman agrees, and comments that the Board does not have a problem with the addition but the height is problematic. It simply looks too high for the neighborhood. The Chairman says HVAC can be put in the attic without the need for the additional height. Mr. Martin states he will revise plans and come back to reduce the roof pitch, and comments that he is reusing the existing walls; the existing roof height is too low and creates problems.

The Board then opens the meeting to the public; several interested parties appear, as follows:

- Kazimierz Plichta, 72 Parson Road, states that house was built in 1964 and likely conformed to the zoning ordinance in effect at that time; he supports one-family conversion but says height should stay the same. Height is similar to his house, he has no problems with the HVAC or the functionality of the roof.
- Diana Kalembe, 22 Emma Place, states that she is concerned about height of roof, houses in neighborhood are all pretty similar, using maximum amount allotted by law. Questions the extent of the rear yard setback variance- is that really 10 feet into the rear yard. Is that the entire first and second floor of the house going to encroach 10 feet into the rear yard.
 - Vice Chair Scorziello asks if they have an issue with the front dormers or the roof, what bothers you most?
 - Ms. Kalembe replies that the height of the house is the problem. She has a smaller house with the AC units tucked away in the attic. Mr. Martin says his intention is to come back with a 2-story design.
- Jozef Kalembe, 68 Parson Road, questions the need for houses to keep increasing in size; every house on this street is the same size, looks the same. This will not fit into the neighborhood.
 - Martin says that eliminating the 2-family reduces density and is a big improvement from a planning perspective
 - Commissioner Molner clarifies that the height of the house is going to stay the same but the roof design will change
- Babessei, 76 Parson Road, states that he endorses aesthetic improvements but does not want house to look much larger and bigger than other houses on the street; he does not have an issue as long as it will look better.
- Chaim Teitlebaum, lives directly across the street at 51 Parson Rd., wants to express support for project. Conversion of two family will be a benefit to neighborhood and will reduce the traffic and the number of people coming in/out. Says that the additional height will help hide the industrial zone.

Chairman Zecchino announced that the application will be carried to April 17, with no further notice to be provided.

4. ESMELIN FELIZ, 259 Vernon Ave., Bl. 5.10, Lot 20, Zone: RB1

Esmalin Feliz, and his daughter, Thamir Feliz, both of 259 Vernon Ave., Clifton, NJ, appeared *pro se* and were sworn in by Ms. Sweet. Ms. Feliz testified that they are requesting a variance from the maximum lot coverage requirement, where 25% is permitted and 30% is proposed, to maintain two already-constructed gazebos in the backyard of their single-family residence located at 259 Vernon Avenue. Ms. Feliz testified that they made every effort to maintain the property as it was when they bought it; but three pine trees had to be removed from the rear yard due to damage. Ms. Feliz testified that the removal of these large trees resulted in the rear yard being barren and devoid of shade in the summer. The family constructed the two gazebos without realizing that they needed a permit. Ms. Feliz testified further that it was necessary to construct two gazebos to create the shade needed in the backyard.

In response to a question from Chairman Zecchino, Ms. Feliz confirmed that the family often has outdoor functions for family, friends, and neighbors in their backyard. The Chairman cautioned the Applicants to be mindful of noise concerns and to be respectful of their neighbors during social events. At the conclusion of the testimony, Commissioner Sochon observed that the two gazebos could have been much bigger, and makes a motion to approve the requested variance to permit lot coverage of 30% where 25% is the maximum permitted. Vice Chair Scorziello seconds, Voting in favor are Commissioners Eramo, O'Connor, Sochon, Foukas, Vice Chair Scorziello, and Chairman Zecchino. Commissioner Molner voted against the application, stating that he does not like to grant forgiveness for illegally constructed structures.

5. 270 PARKER AVENUE, INC. 59 Durant Ave. Bl. 4.18, Lot 2, Zone: PD1

Michael Halkias, Esq. 1300 Van Houten Avenue, Clifton, NJ, placed his appearance on the record, stating that he represents Applicant 270 Parker Avenue, Inc., owner of the subject property, located at 59 Durant Avenue in the City of Clifton. Mr. Halkias stated that he would present the testimony of two witnesses: Sarah Damiano, President of 270 Parker Avenue Inc., and Todd Koenig, AIA, who prepared the plans, both of whom were sworn by Ms. Sweet. Mr. Halkias stated that the Applicant is proposing to expand the existing two-car garage, a detached accessory structure to a four-family multifamily residential building located at 59 Durant Avenue, to make it a four-car garage to be used for additional parking to serve employees of Damiano Pharmacy, located on the adjacent lot at 270 Parker Avenue. The principal multifamily residential use is a pre-existing nonconforming use in the PD-1 zone. Mr. Halkias then summarized the variances required: D(2) use variance for expansion of a pre-existing nonconforming use; a front yard setback variance of 0.34 feet to Durant Avenue where 60 feet is required for a detached accessory structure; a side yard setback variance of 2.18 feet where 3 feet is required; and a variance from the minimum setback requirement from the principal structure, where 10 feet is required and 4.33 feet exists. The front yard setback is an existing condition that will not be modified, as the garage addition is to the rear of the structure; the other nonconforming setbacks to the side yard and the existing principal structure are also existing conditions that will be continued as the building line of the garage is extended.

Mr. Halkias first called Ms. Damiano, who testified that her family owns the pharmacy next door, and that the purpose of this garage expansion is to create additional parking for the pharmacy principals and employees.

Mr. Halkias then called Todd Koenig, AIA, whose qualifications were accepted by the Board as an expert in architecture. Mr. Koenig testified that he prepared the plans submitted in support of the application. Mr. Koenig stated that Sheet 2 of the plans shows the proposed garage improvements. The garage will be increased in size, extended to the rear into the backyard to create additional parking area.

Commissioner Foukas remarked that he thinks it's a great application, and commented that this will have no impact on the neighborhood; it will allow for more off-street parking, freeing up on-street parking. This will be a plus, as parking is a problem in this neighborhood. Ms. Damiano testified that her family has owned these properties since 1933; they are lifelong Clifton residents. Commissioner Molner asked the applicant to confirm that this is for pharmacy employees, and whether there will be overnight parking. Ms. Damiano replied that the parking is primarily intended for employees and principals of the pharmacy, but they may also allow for the residents of the multifamily apartment building to park there overnight. Commissioner Foukas commented that it is well-known that the neighborhood needs more parking, and made a motion to approve the application. Commissioner O'Connor seconded the motion. Voting in favor are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello, and Chairman Zecchino.

CONTINUED HEARINGS

6. QUICKS REALTY LLC 802 Van Houten Ave., Block 36.10, Lot 16, Zone: BC

Peter Aziz, Esq., put his appearance on the record, stating that this matter was continued from the January 17, 2024 hearing, and stating that the applicant has submitted a new plan to demolish the existing commercial building and construct a new building. Mr. Aziz stated that he would present the testimony of two new witnesses, Peter Steck, PP, and Cosimo Tattoli, project architect, both of whom were sworn in by Ms. Sweet and qualified by the Board as experts in their respective fields.

Mr. Aziz first presented the testimony of Peter Steck, PP, who provided a handout, consisting of five pages, which was marked as A-2 in evidence. Steck describes A-2 as a 5-page exhibit he prepared: page 1 is a Google aerial with the site outlined in yellow; page 2 is another aerial photo of the site in more detail, with an inset of the current survey; page 3 is two pictures he took on 3/19/24 showing street views; page 4 is a colorized plan showing relief needed; page 5 is excerpts from Master Plan and MLUL purposes.

Mr. Steck testified that this is a revised application in response to comments from the board on 1/17/24; he describes the existing site as containing three buildings. The Applicant is proposing to demolish the 1-story masonry building and replace with a mixed-use building. The single-family house and commercial garage will remain. Mr. Steck described the property as located in the Van Houten corridor, framed by residential uses, with single family homes to the east, and a number of surrounding mixed use residential buildings, with some fully residential, and some fully commercial; he described the zone as "a mixed bag." Mr. Steck testified that the proposal advances various goals of the City Master Plan, noting that the Master Plan's policy is to reuse and rehabilitate older non-residential buildings. Mr. Steck testified that the existing 700 SF building is underutilized, as it is only used for storage.

Mr. Steck then summarized the variances required: a D1 for use, as the Ordinance does not allow mixed use commercial and residential, and a D1 for more than one use per lot, which Mr. Steck described as more of a D2 since the site is already 3 nonconforming buildings; they are tearing one down but still this is an existing nonconforming condition. Mr. Steck noted that a C variance for the front yard setback of the new building to Orono St. is required. Parking variances include: a dimensional variance for the proposed parking spaces, where dimensions of 9' x 18' are proposed and 9' x 19' is required for commercial spaces. Mr. Steck noted that 9' x 18' are the permitted dimensions for residential spaces. A variance is required for the parking lot setback to Van Houten Avenue, where 5' is proposed in lieu of 10' and 7' in lieu of 10'. Mr. Steck further noted that there are other existing nonconforming variance conditions affecting the property that are not impacted by this application.

Addressing the variance criteria, Mr. Steck stated that this is a Medici case, so they have to show special reasons, particular site suitability, and meet the enhanced burden of proof. Mr. Steck testified that this proposal meets the positive criteria as follows. The applicant is situating the new building at the corner of Van Houten Avenue and Orono Street, which will return the site to a pedestrian area. They are renovating the vacant single-family dwelling. The onsite parking will be functional for the first time, so there will be no impacts to on-street parking. Mr. Steck testified that the potency of the commercial market is weaker than it was when this site was last reviewed by the Board; the residential market is much stronger; mixed use is appropriate for this site. Mr. Steck stated that the following purposes of zoning are advanced by this proposal: Purpose A of MLUL; Purpose G of MLUL; Purpose H- parking arrangement will be greatly superior; Purpose I- aesthetics will be greatly improved; Purpose M- more efficient use of land, as this is a shared site, and the two commercial buildings will share 12 parking spaces, and the 1-family will have its own parking.

Mr. Steck addressed the negative criteria as follows, stating that the 9' x 18' parking spaces are fine for this use; the existing automotive parts use is not really retail, they deliver parts, not a lot of in and out parking. Mr. Steck described the area as a mixed use type zone, with residential and commercial uses, so this new building will not negatively impact. He stated that the use is particularly suited to the site, which predates the current zoning ordinance, and concluded that granting the variances will result in no substantial detriment to the public good or zone plan/ordinance. Board Planner Mr. Graviano clarifies that there is no question that this is a D1 use variance, and not a D2, since the demolition of the one building eliminates one of the nonconforming uses and will require a D1 use variance for the new building, which is not a permitted use in the zone.

Commissioner Eramo asks the Applicant to describe the renovations to the single-family house; Mr. Steck defers to the architect. Commissioner Braid asks Mr. Steck, in your expertise is this the best use to replace the existing one-story storage structure; Steck says yes, this is a much more viable use, since it will be easier to rent, will generate income, will improve the parking lot substantially. Mr. Graviano notes that the applicant was very proactive, reached out to him for recommendations and they have been very cooperative, this is a very attractive mixed use building and the standardization of the parking lot is a very significant improvement. Mr. Eisenman asks about the proposed use of the first floor retail space. Mr. Steck says it is unknown, clearly identified as retail; Graviano says that he recommends that the vacant space be allowed to have any permitted use in the BC zone, plus a small takeout restaurant with a

maximum of 4 tables, 16 seats. Mr. Steck describes the existing auto parts store as more of a warehouse/distribution use than a walk-in retail use but parking was calculated as a retail use.

Mr. Aziz then presented the testimony of architect Cosimo Tortoli, who generally described the first floor retail space, and the second floor residential apartment, which will be one unit with two bedrooms. He testified that the building will be two stories, 30' tall, with a brick façade, metal glass storefront, with pillars included to break up façade. Planting will be provided along Orono Street adjacent to building. The renovated single-family dwelling will have its own parking. A block wall trash enclosure will be situated behind the single-family house. Mr. Tortoli testified that the single-family dwelling will be demolished and be rebuilt using the existing foundation. Commissioner Sochon asked if it will have a basement; Mr. Tortoli responded, yes, the mechanical and HVAC for first floor will be located there. Commissioner Eramo asked if the trash enclosure will be sufficient for all three properties; Mr. Tortoli says yes. Mr. Graviano stated that he wants more information about the plan for the single-family house. Mr. Tortoli responds that the house will have 3 bedrooms and 2 bathrooms, and will keep the same footprint/foundation. Mr. Graviano recommends that the applicant stipulate that the renovated house will have no more than 3 bedrooms and 2 baths, with a height of two stories, and states that he wants to review the plans for the single-family house during resolution compliance. Commissioner Eramo states that Neglia noted that there was no drainage plan; will that be provided to the engineer? Mr. Tortoli replies yes. Mr. Kurus states that the comments in his report were limited to drainage; they will need to review connections, and notes that he thinks the site plan is great, wants them to agree to comply with the comments in his report. The Applicant agrees. Mr. Kurus suggests that the Applicant stipulate that they will provide an assigned space for the residential unit; the Applicant agrees.

The Board then opened the meeting to the public; no interested parties appeared. At the conclusion of the testimony, Vice Chair Scorziello made a motion to approve, subject to the following stipulations: compliance with the comments/recommendations in the reports of the Board Engineer and the Board Planner; renovation of the single-family home will be limited to three bedrooms and two bathrooms, with a maximum height of two stories/ 30 feet; the plans for the single-family house renovation will be submitted to Mr. Graviano for review during resolution compliance. Commissioner O'Connor seconds. Voting in favor are Commissioners Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello, and Chairman Zecchino. Commissioner Molner comments that the property is still a mess and needs to be cleaned up and better maintained; Chairman Zecchino comments that he is hopeful that this project will come to fruition and the site will finally be improved.

ADOPTION OF MEMORIALIZING RESOLUTIONS/MINUTES

1. **DATA DELAY DEVICES, INC.**, 11 Penobscot Street., Block 30.11 Lot 30,50,60 – M2 - Approval of application for amended preliminary and final site plan approval, with D(1) use variance approval for expansion of a private recreational use in the M-2 District, and more than one principal use on the site; with bulk variances for minimum front, side, and rear yard setback, maximum lot coverage, and parking (minimum spaces, setbacks, and landscaping).

Offered by Vice Chairman Scorziello and Seconded by Commissioner O'Connor. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello and Chairman Zecchino.

2. **I.R. PROPERTY MANAGEMENT LLC**, 5 Milton Ave., Block 37.05, Lot 15, RB-1 Zone. Approval of application for preliminary and final site plan approval, D(1) use variance approval, D(5) density variance approval, and bulk variances to construct a four-unit apartment building in the RB-1 zone on a lot partially located in the City of Clifton and partially located in the City of Passaic.

Offered by Commissioner Molner and Seconded by Commissioner O'Connor. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello and Chairman Zecchino.

3. **EDDY CORDOVA**, 12 Milton Ave. Block 37.04, Lot 21- RB-1 Approval of application for variance relief for minimum side yard setback (combined) to construct an addition to an existing two-family home on an undersized lot.

Offered by Commissioner Sochon and Seconded by Commissioner O'Connor. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello and Chairman Zecchino.

4. **Corrected Resolution: AMERICAN ANALYTICAL ASSOCIATION INC.**, 245-247 Parker Ave., Block 4.16, Lots 31&33. Correction to Resolution adopted on December 5, 2023, to provide that the number/bedroom count of approved multifamily units is 14 two-bedroom dwellings and 4 one-bedroom dwellings.

Offered by Commissioner Molner and Seconded by Vice Chairman Scorziello. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Vice Chair Scorziello and Chairman Zecchino.

5. **Corrected Minutes: December 6, 2023 Regular Meeting**, Correction to page 10 of the minutes of the December 6, 2023 Regular Meeting to reflect the correct number/bedroom count of the approved multifamily units for the application of **AMERICAN ANALYTICAL ASSOCIATION INC.**, 245-247 Parker Ave., Block 4.16, Lots 31 & 33 was 14 two-bedroom dwellings and 4 one-bedroom dwellings

Offered by Commissioner Sochon and Seconded by Commissioner O'Connor. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Vice Chair Scorziello and Chairman Zecchino.

6. Minutes of the March 6, 2024 Regular Meeting

Offered by Commissioner Sochon and Seconded by Commissioner O'Connor. Voting in favor: Comrs. Eramo, O'Connor, Sochon, Molner, Foukas, Vice Chair Scorziello and Chairman Zecchino.

There being no further business before the Board, Commissioner Sochon 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 9:06 p.m.

Respectfully submitted,
JESSICA L. SWEET, ESQ.,
COUNSEL SECRETARY