

MINUTES
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
JANUARY 17, 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
Brian Intindola, P.E., Board Engineer
Liana Bolcato, Asst. Zoning Officer

Chairman Zecchino called the Regular Meeting to Order at 7:06 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. **GEELAND, LLC**, Application for Use Variance, Bulk Variances & Site Plan
811-813 Rt 46, Block 34.03, Lots 75 and 77 – R-A2 –
Attorney: Michael D. Sullivan, Esq.

Chairman Zecchino announced that this application has been continued to February 7, 2024.

2. **ASHER & ALIZA WITTY**, Application for bulk variances
20 Parson Rd., Block 57.01, Lot 11 – RA3

Chairman Zecchino announced that this application has been continued to February 7, 2024.

3. **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.

NEW HEARINGS

- | | | |
|-----------------|-------------------------|--|
| 1.
Variances | EDDY
CORDOVA | 12 Milton Ave., Block 37.04, Lot 21 – RB1 – The applicant is proposing a 2.5 story addition which will require the following variances; combined yards proposed at 14.8' where 24' is permitted (PLANS SENT TO COMRS). |
|-----------------|-------------------------|--|

Architect: Vincente Varela, Jr., RA, Arquitectura Varela Architecture & Design LLC, 584 Main Ave., Passaic NJ 07055, appeared on behalf of applicant Eddy Cordova. Mr. Varela and Mr. Cordova were sworn in by Ms. Sweet. Ms. Sweet questioned Mr. Cordova to confirm that the legal notice had been either hand-delivered or sent via certified mail to each of the property owners identified on the certified list provided by the Tax Assessor's office. Mr. Cordova stated that he had sent some of the notices by regular mail. Ms. Sweet advised that the Municipal Land Use Law requires that the notices be sent by either certified mail or personally served/hand-delivered directly to the property owners identified on the certified list; as such, the notice was not proper, and the Board could not take jurisdiction of the application. Mr. Cordova was advised that he would be provided with a new hearing date, for which he would have to re-notice as required by law.

- | | | |
|-----------------|---|---|
| 2.
Variances | QUICKS
REALTY LLC
Peter G. Aziz, Esq. | 802 Van Houten Ave., Block 36.10, Lot 16 – BC – The applicant is seeking approval to convert the property presently used a shop/one family residence to a shop/two family residence. Applicant will seek any other variance, waivers or exceptions that are deemed to be necessary in connection with this application (PLANS SENT TO COMRS). |
|-----------------|---|---|

Attorney: Peter G. Aziz, Esq., entered his appearance on behalf of the applicant, Quicks Realty LLC; Mr. Aziz stated he would be providing the testimony of managing member Shady Suliman, 7409 Durham Avenue, North Bergen, NJ 07047. Mr. Suliman was sworn in by Ms. Sweet.

Mr. Aziz gave an opening statement to the Board. Mr. Aziz stated that the applicant is seeking two D(1) variances: Ordinance Sec. 461-13 does not permit residential uses in the BC zone, and the applicant is requesting approval for more than one principal use on the lot. Mr. Aziz stated that the need for these variances stems from the existing nonconformities affecting the site. Mr. Aziz further stated that the applicant is requesting C variances from the minimum front yard and side yard setback requirements. The applicant requests to bifurcate the use and bulk variance portion of the application from the site plan; if the variances are approved, the applicant will provide a full site plan prepared by a licensed professional.

Mr. Aziz then presented the testimony of Mr. Suliman. Exhibit A-1, aerial exhibit showing the site & surrounding neighborhood, prepared by Mr. Suliman, was marked in evidence, and distributed to the Board. Mr. Suliman then testified as follows: the subject site includes a single family dwelling in poor condition; a 2500- square foot commercial building currently used as an automotive parts & garage, and another commercial building/garage used for storage and rented to a third party since February 2022. In response to Mr. Graviano's question regarding whether the necessary municipal approvals had been issued for this use, Mr. Suliman states that there was a CDC issued by the zoning office.

Chairman Zecchino stated that there was a prior application involving this property approved by the Board in 2020-21, seeking to remove some of the building and construct a convenience store. Mr. Suliman testified that the approval for that project was determined not to be feasible and the owner decided not to pursue it. Mr. Suliman testified that the property is in poor condition; asphalt needs to be replaced; the owners are aware of the poor condition of the buildings and site. Chairman Zecchino states that the applicant is now seeking to convert the existing one-family home to a two family- what's the hardship? Why do they need to do this? Mr. Suliman replied that the hardship is the condition of the property, not only the onsite conditions but also the configuration/location. He purchased the property as an existing nonconforming use/site with three structures and two uses. Mr. Suliman testified that they want to make it more aesthetically pleasing, make it more attractive to neighbors; this can only be justified if they were to do more than a one-

family. Chairman Zecchino stated that the garage in the corner is extremely dilapidated and needs to be redone, and there are numerous issues with the condition of the site. Mr. Suliman admits that visually it is an eyesore; they want to upgrade the property, and this proposal would meet the positive criteria for the use variance by making aesthetic upgrades. Mr. Suliman further stated that the façade of the garage would be upgraded.

Commissioner Foukas asked if there is contamination at the site; Mr. Suliman says a Phase 1 was done. Mr. Graviano stated that the extra dwelling unit does not provide any benefit to the city; if they were eliminating something, it might be different, and suggests that the applicant remove the storage garage. Mr. Suliman testified that the storage garage has a 5-year lease with 2 renewal options, so it cannot be eliminated right now. Mr. Suliman stated that the alternative to develop this as previously approved in 2021 would be a lot more dense than what they are requesting now. No off-street parking would be provided. Mr. Graviano stated that this proposal makes six of the existing parking spaces unusable, and provides only two new tandem spaces; this is not a well-designed parking lot. Mr. Suliman stated that he is open to providing formal plans-

Mr. Suliman testified that his group has owned the property since 2020. Commissioner Molner asks why it looks so bad; this site has looked like this for several years; landscaping is unkempt. Garbage is all over property. Commr. Molner states that they could cut the grass and clean the site up; the photos included with A-1 depict the lot as “disgusting in Clifton.”

Chairman Zecchino states that the Board is fair, but Comm’r Molner has a point. Variances were granted a few years ago on the hopes that they would clean up the site but nothing was ever done. Mr. Suliman again promises to make the property better. He says he needs to improve it and build it back up. Chairman Zecchino responds that they could have cleaned up the property without asking for a variance; the Board approved a variance a few years ago with promises that it would be cleaned up, but nothing has been done; the applicant needs to work with the Board. Mr. Suliman states that the asphalt is in very poor condition; the site needs to be redeveloped and the asphalt is in such bad condition it makes mowing the grass impossible.

Chairman Zecchino states that it would be a major improvement if they were to demolish the existing garage and one-family dwelling. Mr. Suliman asks if the Board be open to maintaining the commercial building. Chairman Zecchino states that he thinks a two-family dwelling with a storefront would be OK- it would fit in with the existing pattern of development of the neighborhood. Vice Chairman Scorziello states that this property needs major renovations and is the worst property on Van Houten Avenue; the Board isn’t seeing how this proposal would be an improvement to the neighborhood or this site. Vice Chair Scorziello states that simply going from one-family to two-family not a sufficiently dramatic renovation to upgrade this property. Mr. Aziz-offers to submit architectural plans showing changes. Chairman Zecchino suggests that they fix up the property instead. Mr. Aziz requests that the application be carried so that they can revise the plans and address the concerns raised by the Board.

Chairman Zecchino announces that the application will be carried to March 20, 2024; no further notice will be provided.

3. Preliminary/ Final Site Plan; Use and Density Variances; Bulk Variances	I.R. PROPERTY MANAGEMENT LLC Gary Cohen, Esq.	5 Milton Ave., Block 37.05, Lot 15 – RB1 – . Applicant is seeking to combine the use of the 2 lots (one lot in Passaic and one lot in Clifton), and to construct a new 3,241 square foot 2 story 26.75 foot height 6 unit residential apartment building, with each apartment to have 2 bedrooms, with 12 parking spaces including 1 handicapped parking space. The Passaic lot would only contain the parking lot portion of the development. The application in question requires the following approval/relief from the City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance: Variances for: 1] Allowing a D1 use variance, pursuant to N.J.S.A. 40:55D-70.d (1), in that the proposed six unit residential building principal structure that the Applicant is seeking to build is not permitted in that the R-B1 Zone District in Clifton, rather only one or two family houses are permitted in
--	---	--

that zoning district. 2] Width of Lot- where 75 ft lot width is required, the Clifton lot has a width of 56.04 ft, but the combined two lots shall have a width 95.52 ft, an existing condition. 3] Depth of Lot- In the event that either Board determines the depth of either of the Lots are insufficient 4] Density- where it is required to have 3,750 sq ft of lot area for each dwelling unit, and proposed is 1,724 sq ft of lot area for each dwelling unit. 5] Front Yard- where 25 ft is required, and 5.0 ft is proposed. 6] Rear Yard- where 35 ft is required, and 7.70 ft is proposed. 7] Side Yard- where 12 ft is required for each side yard and 5 ft exists. 8] Side Yard Street Side- where 10 ft is required on the street side and 5 ft exists 9] Lot Coverage- where 25% is allowed, 31.3% is proposed. 10] Parking- where 12 onsite parking spaces are required, 12 onsite parking spaces are proposed, but subject to the input of the Board of Adjustment as to any additional onsite parking spaces that may be required. 11] For aisle width where 25 ft is required and 24 ft is proposed. 12] For electric vehicle station requirements, number of onsite parking stalls as the Board of Adjustment may require and parking stall size. 13] For minimum parking stall length where 19 feet for each stall is required and 18 feet for each stall is proposed. 14] Preliminary and final site plan approval with associated “c” and “d” variances; (PLANS SENT TO COMRS).

Attorney: Gary E. Cohen, Esq., 180 Main Ave., Passaic, NJ 07055
Architect/Planner: Michael J. Romanik, AIA, PA, 291 Crooks Ave., Paterson, NJ 07503
Engineer: Thomas G. Stearns III, PE, PLS, GB Engineering LLC, 144 Jewell St., Garfield, NJ 07026
Applicant: Israel Rodriguez, 326 Clifton Ave, Clifton
Interested party: Anna Skubinz, 73 Scoles St., Clifton NJ

Mr. Cohen entered his appearance on the record; all witnesses and interested parties were sworn in by Ms. Sweet.

Mr. Cohen advised that the Passiac component of this application has been adjourned. Mr. Cohen then described the application as follows: the Clifton lot will contain the apartment building; the parking lot will be located on the Passaic lot. The proposal is to construct a residential apartment building containing six two-bedroom units; 12 parking spaces will be provided as required by ordinance. The Passaic lot is in a commercial zone; the Clifton lot is in the RB-1 zone

Mr. Cohen then called Mr. Romanik to testify as an expert in architecture and professional planning; the Board accepted his qualifications. Mr. Romanik testified in reference to a colorized zoning map depicting the property in green, which was marked as Exhibit A-1 in evidence. Mr. Romanik described the property as follows: the site is located at the corner of Milton Ave & Brighton Ave.; across Brighton is Passiac, C Zone, Family Dollar & other retail/commercial uses are across the street; Dunkin Donuts to the rear of site. The site is surrounded by commercial uses, zoned commercial or industrial. It contains a total area of 10,344 SF; 8,000 SF in Clifton, remainder in Passaic.

Mr. Romanik then described the proposed new apartment building, which will contain 3,241 SF floor area of first & second floors; it will have a stone and stucco façade. The ground floor plan will contain three two-bedroom apartments; the second floor is identical to the ground floor. The site is located in the RB-1 Zone but completely surrounded by commercial & industrial zoning or uses.

Chairman Zecchino asked how did you determine the number of units; Mr. Romanik stated that he worked with the property owner; he started with parking, recognizing that parking is the most important part; they figured they could get twelve spaces which would allow for six two-bedroom apartments under RSIS. Mr. Romanik states that the density is not that great, it may be high for

the RB zone but not for surrounding uses. He described the property as having been vacant for years; unlikely to be developed for a one- or two-family residence.

Mr. Romanik opined that the proposed multifamily apartment building would be a good residential transition from the commercial uses to the north, east, and south. He states that the lot configuration is irregular in that they are in different cities/zones. There is a lot of commercial traffic on Brighton Ave.; a large industrial complex is located just a block north at Walnut and Brighton. The aesthetics will be pleasing; the building was designed to look like a large one-family; the height conforms to the zoning ordinance requirements. The proposed apartments are intended for people starting out/young couples; they will be good starter homes.

Chairman Zecchino stated that he understands the multifamily proposal for the zone, but thinks it could be a four-family with more parking. Mr. Romanik replies that the economic reality is that the development won't work with four units. Commr. Foukas states that he agrees with the Chair that this should be four units, thinks six is too much, but this is a good-looking building.

Vice Chairman Scorziello asks if there are any accommodations for EV parking; Mr. Romanik replies yes, with 12 spaces onsite they get credit for two additional spaces under EV parking ordinance so the site is actually exceeds the required parking.

Mr. Romanik then summarized the variances requested:

- Lot coverage- 25% required; 31.3% proposed;
- Side yard setback: 12' required; 5.86' proposed;
- Parking spot size- 9' x 18' proposed, Clifton requires 9' x 19'; 9' x 18' conforms to RSIS;
- Front yard setback to Milton Ave.: 25' required; 5' proposed. Mr. Romanik states that the proposed front yard setback variance condition is in line w residential property setback on this side.
- Rear yard setback- 35' required; 7.7' proposed.

Mr. Romanik states that this is a good plan despite the large number of variances.

Mr. Graviano states that a D1 use variance is required because multifamily use are not permitted in the RB-1 zone. A D5 density variance is also required because the proposed density exceeds what is permitted in the RB zone. Mr. Graviano then advised the Board that this building is very large for the site; far exceeds what is permitted; the applicant should look at paring down the number of units to accommodate the concerns of the Board. The site may be good for a multifamily building but six two-bedroom units may be too much.

Mr. Cohen then compared the number of units with only two bedrooms to a more intense two-family dwelling with four bedrooms each, which would be permitted by ordinance, suggesting that this is a better proposal for the site. Mr. Graviano stated that the corners of the building touch every corner of this site; the setback variances are a bit much; landscaping is needed. Chairman Zecchino commented that building a building from scratch provides a different opportunity, and questioned the need for so many variances. Mr. Cohen replied that this is a bit of a unique situation since one person owns both lots in Clifton and Passaic, they are separately zoned for incompatible purposes. Part of the consideration here was that they could provide parking, height, coverage conforming to the Clifton RB zone requirements. Mr. Cohen stated that he thinks Passaic will be OK with the stand-alone parking lot. Chairman Zecchino suggests that more landscaping would be beneficial. Mr. Cohen says that this is the best use of the property; reducing the number of units is problematic due to economic concerns, and given the transitional area, a multiunit apartment will be the best use for this site. Chairman Zecchino states that the Board is fair; although he thinks the multifamily apartment use at this site may be suitable, he thinks that six units may be too much.

Mr. Cohen advised that the Architect's testimony is concluded; he requests a short recess. At the conclusion of the recess, Mr. Cohen requests that the application be carried to March 6, 2024. Chairman Zecchino announces that the application will be so carried.

ADOPTION OF RESOLUTIONS/MINUTES

1. Vidal Rodriguez, 56 Myrtle Ave., Block 84.02, Lot 1- Denial of application for variance relief (minimum rear yard setback, minimum lot width, maximum lot coverage) to convert an existing one-family dwelling to a two-family dwelling in the R-B1 zone.

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

2. Brad Perna & Mayra Munoz, 7 Clifton Terrace, Block 30.10, Lot 6- Denial of application for variance relief (minimum lot area, minimum side yard setback, minimum front yard setback) to convert an existing one-family dwelling to a two-family dwelling in the R-B2 zone.

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

3. Neil & Meryl Hillsberg, 54 Witherspoon Rd., Block 74.07, Lot 5- Approval of application for variance relief (minimum side yard setback) to construct an addition to an existing single-family residence in the RA-1 zone.

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

4. Peter Mastriano c/o Madeline Investments, LLC, 125 Madeline Ave., Block 42.04, Lot 12- Approval of application for site plan approval (bifurcated from use variance approved 9/20/23) and variance relief (minimum number of parking spaces, drive aisle width, parking lot setback, minimum landscaping requirements in parking area) in the RB-2 zone.

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

5. Call The Ball Billiards, Inc., 1142 Rt 46, Block 44.04, Lot 25- Approval of application for D(2) Use Variance to expand a legal nonconforming use, site plan approval, and variance from minimum number of parking spaces required for the addition of a kitchen and bar to an existing nonconforming billiards hall in the B-D zone.

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

6. Minutes of the January 3, 2024 Reorganization Meeting and Regular Meeting

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

There being no further business before the Board, Commissioner Foukas moved to adjourn. The motion was seconded by Vice Chair Scorziello, with the unanimous approval of all Board members present, the meeting was adjourned at 8:25 p.m.

Respectfully submitted,

JESSICA L. SWEET, ESQ.,
COUNSEL SECRETARY