

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 19, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on October 19, 2022.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

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| 1.
Use
Variance;
Variance;
Site Plan | JOHN RADER
Ira E. Weiner, Esq.
(CONTINUED WITHOUT DATE) | 817-825 Clifton Ave. B-C Site plan approval
Block 35.06, Lot 16 required to remove the
existing MOONEY AUTO
REPAIR GARAGE, to
enlarge the building housing the existing
DUNKIN DONUTS building, to create an additional
store, two vestibule entrances to the two
stores and a drive-in facility. A bulk variance
is required to permit the use of lighting other
than the ordinance required high-pressure sodium
lighting, because it is no longer manufactured.
A use variance is required to permit the drive-in
window. All other nonconformities are
pre-existing and do not require variances.
DENIED DECEMBER 2, 2022 - COURT-ORDERED REMAND. |
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CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | BOTANY VILLAGE
PROPERTY LLC
Jason R. Tuvel, Esq.
(CONTINUED TO 11/02/2022) | 254 Dayton Avenue PD1 For preliminary and
Block 4.18, Lot 21 final major site plan
approval, use variance,
bulk variance and design
waiver/exception relief.

The property is located in a PD-1 Zoning
District. The Applicant seeks approval to
demolish the existing building on the Property
and construct a new three- (3) story mixed-use
building consisting of four (4) residential
dwelling units above ground floor commercial
(restaurant/tavern) space, along with related
site improvements.

The Applicant seeks use variance
relief pursuant to N.J.S.A. 40:55D-70(d) (1) for a
non-permitted use, as residential use is not
permitted in the PD-1 Zoning District. The
Applicant further seeks bulk variance relief
Pursuant to N.J.S.A. 40:55D-70(c), including:
(1) minimum lot area less than required (2,500
sf. required; 2,279 sf. existing non-conformity
to remain unchanged);
(2) Minimum lot depth less than required (100 ft.
required; 90 ft. existing non-conformity to
remain unchanged);
(3) Building height greater than permitted
(30 ft. permitted; 31.5 ft. proposed); |
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(4) Number of stories greater than permitted (2 stories permitted, 3 stories proposed); and
(5) Exterior lighting fixtures not proposed to be high-pressure sodium vapor where same is required.

To the extent necessary, the Applicant seeks a parking variance for providing less than required number of parking spaces and seeks conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application.

2.
Use
Variance;
Variances

TFJ HAZEL LLC
Meryl A. G.
Gonchar, Esq.

252 Hazel Street & RB2
237 West 3rd Street
Block 16.11, Lots 1 & 2

AS AMENDED FOR 8/17/22:
Preliminary and Final
Major Site Plan approval,
Minor Subdivision (lot
consolidation) approval,
d(1) use variance, d(5) density variance, and bulk
("c") relief to construct a three (3)-story mid-rise
(two (2) stories over parking), multi-family
residential building containing fifty-four (54)
dwelling units (currently proposed to contain
twenty (20), one (1)-bedroom units; four (4) one
(1)-bedroom plus office/den units; twenty-six (26)
two(2)-bedroom units; and four (4) two (2)-bedroom
plus office/den units) and resident amenities
(the "Proposed Building"), along with 104 on-site
parking spaces (sixty-two (62) covered/under the
Proposed Building and forty-two (42) surface
Parking spaces), and related site improvements
(all proposed improvements collectively referenced
as the "Project") on the "Property."

Lot 1 (+/- 71,752 square feet) is currently improved with a vacant, nonconforming manufacturing/ industrial building that was formerly operated as a textile dyeing and finishing facility (International Veiling Corp.).

Lot 2 (+/- 3,500 square feet) is improved with a vacant, one-family residential dwelling. As part of the application, the existing lots will be consolidated (combined) to form a new lot consisting of +/- 75,252 square feet and the existing improvements will be removed.

The Project is proposed to be accessed by a full-movement driveway along 7th Avenue and a full-movement driveway at the intersection of 7th Avenue and West 4th Street. An on-site loading zone is being proposed for resident, delivery, and refuse

collection. Proposed site improvements include, but are not necessarily limited to, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, a monument sign near the proposed driveway on Seventh Avenue, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, sidewalks and walkways.

The Property is in the R-B2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the "R-B2 Zone"), which does not permit three (3)-story mid-rise, multi-family residential buildings.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(d), from the City of Clifton Zoning Ordinance (the "Ordinance"), as follows:

1. From Section 461-13.1.E "Use Regulations" for the R-B2 Zone - To permit a three (3)-story mid-rise, multi-family residential building in the R-B2 Zone, where three (3) story mid-rise, multi-family residential buildings are not permitted.
2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" - Minimum Lot Area per Dwelling Unit - To permit a lot area per dwelling unit of 1,393.6 square feet, where a minimum lot area per dwelling unit of 3,351 square feet is required.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(c), from the Ordinance, and if required, and/or waivers / exceptions from the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, as follows:

1. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Minimum Rear Yard Setback - To permit a rear yard setback (measured to the Garden State Parkway right-of-way) of 4.9 feet, where a minimum rear yard setback of 40 feet is required.
2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Minimum Side Yard Setback - To permit a side yard setback of 12 feet (along Hazel Street (CR702)), where a minimum side yard setback of 20 feet is required.
3. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Minimum Combined Side Yard Setback - To permit a combined side yard

setback of 33.6 feet (12' as measured from Hazel Street (CR702) and 21.6' as measured from the property line adjoining Block 16.11, Lot 17), where a minimum combined side yard setback of 40 feet is required.

4. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Maximum Lot Coverage of Principal Building - To permit a maximum lot coverage of 36.2%, where a maximum lot coverage of 25% is permitted.

5. From Section 461-60.1.A, "Requirements for off-street parking and loading spaces" - To permit 104 parking spaces to be provided, where 135 parking spaces are required under the Ordinance, but which 104 parking spaces satisfy RSIS requirement, which control.

6. From Section 461-42.A, "Additional requirements" - To permit pole-mounted, building-mounted, and/or site light-emitting diode (LED) lighting fixtures, where high-pressure sodium vapor lights are required.

7. From Section 461-60.A, "Standards for parking spaces and areas" - To permit off-street parking spaces sized 9' wide by 18' deep, where parking spaces are required to be 9' wide x 19' deep under the Ordinance, but which meets RSIS requirement which control.

The Applicant also requests any other approvals, waivers, variances, deviations and/or exceptions from the Ordinance, the City of Clifton General Ordinances, and/or RSIS, including, but not necessarily limited to, any additional setback variances (front yard setback, rear yard setback, or side yard setbacks) that may result from an alternative interpretation of the Ordinance provisions relating to setbacks, all as may be determined to be required for the Project during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing.

3. Variance **JAIME & VIVIANA BORJA** Alfred V. Acquaviva, Esq. **(CONTINUED TO 11/02/22)**

67 Huemmer Terrace RA2 Applicant is seeking Block 64.01, Lot 17 variance relief from the Township Ordinance Section 461-47A for permission to construct a fence in excess of the height mandated by the said ordinance. The proposed fence is 6 ft. in height where 4 ft. is permitted. The fence is along the perimeter of the property.

4. Use Variance; Variances	522 VALLEY ESTATES LLC Jason R. Tuvel, Esq.	522 Valley Road Block 32.01, Lot 12	Steep Preliminary and final Slope major site plan Dist. approval, use variance, bulk variance and design waiver/exception relief(the "Application") by 522 Valley Estates LLC (the "Applicant") with respect to property having a street address of 522 Valley Road, Clifton, New Jersey 07013, and being designated as Block 32.01, Lot 12 on the City of Clifton Tax Map (the "Property"). The Property is located in the Steep Slope Zoning District. The Applicant seeks approval to demolish the existing building and raze the Property and construct a new residential complex consisting of 21 townhouse dwelling units within three (3) separate buildings, along with related site improvements, including but not limited to parking, landscaping and lighting. The Applicant seeks use variance relief pursuant to <u>N.J.S.A.</u> 40:55D-70(d) (6)for building height greater than permitted (35 ft. permitted;42.75 feet proposed). The Applicant also seeks bulk variance relief pursuant to <u>N.J.S.A.</u> 40:55D-70(c), including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed). The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, continuations of any pre-existing non-conforming conditions, modifications of prior imposed conditions and other approvals reflected on the filed plans (as same may be further amended or revised from time to time without further notice) and as may be determined to be necessary during the review and processing of the Application. (REVISED PLANS AND REPORTS SENT TO COMRS.)
5. Use Variance; Variances	1041 PAULISON LLC Dominic Iannarella, Esq.	1041 Paulison Ave. M1 Block 19.03, Lot 8	Applicant is proposing to use this property as an auto accessory installation premises consisting of two bays for which a vehicle would remain for multiple days receiving installation of auto accessories. The applicant requests the following variances: 1) Use variance for the proposed use; 2) A variance for the left side yard where 5.1 ft. is provided and 10 ft. is required. 3) A variance for parking as may be required. 4) A variance for parking space setbacks.
6. Use Variance; Variances	MJG-MAR REALTY, LLC Frank A. Carlet, Esq. (CONTINUED TO 11/02/2022)	42 Lakeview Ave. Block 7.05, Lot 70	BC This is an application for a Use Variance to permit use of the former GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts, retail and wholesale. The sale at wholesale is a use not permitted in the B-C zone. It is also an application for bulk

variances to permit the continuation of bulk variances as follows:

- 1) Front yard setback (20 feet required; 0 feet existing and proposed);
- 2) Side yard setback (20 feet required; 7.1 feet existing and proposed);
- 3) Rear yard setback (15 feet required; 0 feet existing and proposed);
- 4) Lot coverage (60% required; excess of 60% is existing and proposed);
- 5) Off street parking or loading spaces, parking aisles, maneuvering areas not to be located within 10 feet of any rear lot line or within 5 feet of any other lot line and adequately landscaped. Existing and proposed conditions do not conform to these requirements, but some landscaping is proposed; 1 loading space required (no loading spaces are existing or proposed).
- 6) Variances required because 6 parking spaces are required for warehouse use only and are provided, but 5 parking spaces are required for retail use and none are provided.

7. Use Variance; Variances	WALBRI PROPERTIES, LLC Gary Cohen, Esq. (CONTINUED TO 11/16/2022)	3-7 Walnut Street M2 Block 37.04, Lots 9 and 13 3-7 Walnut Street, Clifton, NJ; and also located at 9-11 Walnut Street, City of Passaic, NJ, Block 3245.03, Lot 10, Zone designation as C.	An Application for development has been submitted for property located at
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The purpose of the Application and the Project is for the development of the property is to combine the use of all 3 lots, to demolish the old pavement on the properties, and to construct a new 7,442 square foot 1 story 33.6 foot height commercial flex multi-tenant warehouse building on what is currently identified as Lot 9 and part of Lot 13, with 9 parking spaces, including 1 handicapped space on the remaining part of Lot 13 and on Lot 10.

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) Front yard where 20 feet is required and 3 feet is proposed;
- 2) Side yard where 16.8 feet is required and 4 feet is proposed;
- 3) Rear yard where 40 feet is required and 4 feet is proposed;
- 4) Parking area setback where 5 feet is required and 0.3 feet is proposed;
- 5) A variance from the terms of City of Clifton Ordinance Code 461-36 E 3&4 which provides that warehouses shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and the use shall meet the area, height and bulk requirement for industrial plants in an M-2 District and shall meet the

off-street parking, loading and unloading and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District;
6) For site plan approval; and
7) Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:
Variances for 1] For site plan approval; and
2] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

8. Use Variance; Variances	EMB 561 LLC John A. Conte, Jr., Esq. (CONTINUED TO 11/16/2022)	561 Van Houten Ave. BC Block 43.04, Lot 8	Preliminary and Final site plan approval; use variance approval; bulk variances from Section 461-13 for pre-existing non-conformities consisting of minimum front yard and minimum side yard/each, which none of the pre-existing non-conformities are being increased or changed; and any other variance, waiver, or other relief, if necessary, from the requirements of the Clifton Zoning code to permit the Applicant to convert the existing mixed use building into a multi-family apartment dwelling consisting of 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor.
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NEW HEARINGS

1. Use Variance; Variances	833 CLIFTON AVE PARTNERS, LLC Glenn Peterson, Esq.	833 Clifton Ave. BC Block 35.07, Lot 1	Preliminary and final site plan approval, use variance, bulk variances and exterior LED lighting. The applicant seeks approval to construct a 3-story residential apartment building containing 26 one-bedroom units. Any and all additional variances that may be required. (PLANS SENT TO COMRS.)
2. Use Variance; Variances	JAI SAI BABA, LLC Bianca P. Pereiras, Esq.	1025 Main Avenue BC Block 12.26, Lot 19	Amended site plan for Preliminary and Final Site Plan approval and a use variance pursuant to N.J.S.A. 40:55D-70(d) to permit the construction of a new mixed-use building consisting of a liquor store on the ground floor and three residential units on the second floor. This application was previously approved by the Board on February 17, 2021. The amended site plan seeks to enlarge the commercial space and eliminate any on-site parking. Applicant also seeks variance relief pursuant to N.J.S.A. 40:55D-70(c) as to minimum front yard, minimum side yards, maximum lot coverage and off-street parking. The Applicant is also seeking such

additional or other variances, exceptions, approvals, permits, waivers or relief from or pursuant to the Ordinance, including waivers of design standards and/or submission requirements, as may be determined to be necessary to develop the Premises in the manner indicated in the application, plans and materials.
(PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of BARNES KORNER, LLC for d(1) use variance for two principal uses (restaurant and commercial), bar and restaurant in RB2 district, and mixed-commercial & residential building in BC zone and "c" variances for minimum lot width, front yard setback, rear yard setback, street side front yard setback, maximum lot coverage, front yard setback side yard setbacks and combined side yard setback and off-street parking to create a party room and a studio apartment on the second floor of an existing mixed use building at 615 Van Houten Avenue, Block 43.02, Lot 1.

2. GRANTED the application of PORTUGUESE TAVERN STEAK HOUSE CORP. for preliminary and final site plan approval with associated "c" and "d" variances to erect two additions for a take-out area and improved ADA bathrooms at 503 Crooks Avenue, Block 9.03, Lot 8.

3. DENIED the application of LASZLO NOVAK for variance for a 6-foot-high solid fence in the rear of the home along the left side of the property at 144 Orchard Drive, Block 78.01, Lot 54.

4. GRANTED the application of LINDA SILUK for rear yard setback variance to build a rear deck at 93 Sherwood Street, Block 25.06, Lot 5.

5. GRANTED the application of DWAYNE FRANCIS & JANELLA NICHOLAS-FRANCIS for variance for rear yard setback to erect a rear addition at 10 West 7th Street, Block 16.15, Lot 18.

6. GRANTED the application of JOSEPH SIA for use variance for an expansion of an existing, non-conforming use and side yard setback and rear yard setback variances for a one-story addition at 669 Broad Street, Block 34.05, Lot 21.

7. GRANTED the application of KIMBERLY DUNHAM for front yard, side yard, and combined yard setback variances for a second floor addition at 132 Friar Lane, Block 46.03, Lot 28.

8. GRANTED the application of GITTY IDELS for front yard, rear yard, and total lot coverage variances to erect a second story addition at 140 South Parkway, Block 60.04, Lot 5.

9. GRANTED the application of JOEL OCHOA for rear yard setback variance to erect a second story addition at 99 Larkspur Lane, Block 40.05, Lot 48.

10. GRANTED the application of KEN LOWY for front yard, side yard, combined side yards, and maximum lot coverage variances to erect a second floor addition at 60 Lehigh Avenue, Block 70.03, Lot 54.