

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
November 16, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on November 16, 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, 2021 - COURT-ORDERED REMAND. |
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CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | TFJ HAZEL LLC
Meryl A. G.
Gonchar, Esq. | 252 Hazel Street & RB2
237 West 3 rd Street
Block 16.11, Lots 1 & 2 | <u>AS AMENDED FOR 11/16/22:</u>
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.). |
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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, fencing, 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.

8. From Section 461-47.F, "Fences" To permit a fence along the common property line between the Property and the Garden State Parkway right-of-Way, measuring seven feet (7') in height, where a maximum fence height of six feet (6') is permitted.

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.

2. Use Variance; Variances	522 VALLEY ESTATES LLC Jason R. Tuvel, Esq. (CONTINUED TO 12/07/2022)	522 Valley Road Block 32.01, Lot 12 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.	
3. Use Variance; Variances	1041 PAULISON LLC Dominic Iannarella, Esq.	1041 Paulison Ave. M1 Block 19.03, Lot 8	<u>AS AMENDED FOR 11/16/22</u> Applicant is proposing to use this property as an auto accessory garage 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. (NEW APPLICATION, SURVEY, SITE PLAN A1, & PRELIMINARY & FINAL SITE PLAN SENT TO COMRS)

4.	WALBRI	1 & 9 Walnut Street	M2	An Application for
Use	PROPERTIES, LLC	Block 37.04, Lots 9		development has been
Variance;	Gary Cohen,	and 13		submitted for property
Variances	Esq.			located at
		1 & 9 Walnut Street, Clifton, NJ; and also located at Interior Brighton Ave., City of Passaic, NJ, Block 3245.03, Lot 10, Zone designation as C.		

The purpose of the Application and the Project is for the development of the property & 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] Allowing "d(3)" conditional use variances, pursuant to N.J.S.A. 40:55D-70.d (3), in that there is a deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to a conditional use and based upon the requirements set forth in Clifton Code Section 461-36.E. and because the Applicant does not meet the following conditions, variances are required as to the following: (1) The frontage and principal access to such use shall be located on a collector or arterial street (as defined under Chapter 399, Subdivision of Land) not less than 60 feet in width; and (2) The frontage of the lot on which such use is proposed to be located shall not be within 1/2 mile of a public or parochial school or public park or playground which abuts the same street as the proposed truck terminal, transfer station or warehouse fronts, except State Highway Route No. 3 and Route No. 46, measured along the center line of said street; and (3) The use shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and (4) The use shall meet the area, height and bulk requirements 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; and allowing any other d(3) conditional use variances that may be required pursuant to N.J.S.A. 40:55D-70.d (3), for any other deviations from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to the conditional use of the proposed building and use on the subject property; 2] Front Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a front yard setback of 20 feet is required and front yard setback of three (3) feet is proposed; 3] Rear Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a rear yard setback of 40 feet is required and rear yard setback of four (4) feet is proposed;

4] Side Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a side yard setback of 16.8 feet is required and side yard setback of four (4) feet is proposed; 5] From City of Clifton Code Section 461-60.E in that parking shall not be permitted in the required front yard and parking in the required front yard is proposed; 6] From City of Clifton Code Section 461-60.F in that: "off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line and the proposed parking lot does not meet ten (10) feet on the rear property line at approximately one (1) feet and in the rear and side parking lot setbacks, and the proposed lot is also less than five (5) feet at the front yard setback requirement; 7] All setback areas shall be adequately landscaped; and 8] preliminary and final site plan approval with associated "c" and "d" variances; 9] 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; 2] The Passaic City portion to be developed as a parking lot with a portion of the Ingress and egress into the property, and 3] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

5. Use Variance; Variances	EMB 561 LLC John A. Conte, Jr., Esq. (CONTINUED TO 12/07/2022)	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.
6. 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. (NEW PLANS A-1 THRU A-3, PRELIMINARY & FINAL SITE PLAN SENT TO COMRS)

NEW HEARINGS

1.
Use
Variance;
Variance

MARIA QUINTERO
9 Sheridan Ave.
Block 13.05, Lot 16

M2

The applicant is requesting a use variance to convert vacant office space in a building into an office and Herb-A-Life store with a kitchen to prepare shakes. A variance for parking is also being requested. (PLANS SENT TO COMRS)
2.
Use
Variance;
Variances

MOCHA YEMEN CORPORATION
441 Crooks Ave.
Block 9.04, Lot 20
Alfred V. Acquaviva, Esq.

M3

The applicant intends to close the rear balcony of the existing first-floor unit which the Applicant is currently occupying for use as a café/coffee shop. All bulk variances, as well as any use variances are pre-existing, and the applicant intends to continue the use of the unit as it has been previously used. The applicant also requests that the Board consider any other variances and/or waivers that the Board may deem applicable to this application. (PLANS SENT TO COMRS)

RESOLUTIONS

1.

GRANTED the application of STEW LEONARDS for preliminary and final site plan approval with associated "c" and "d" variances to operate a Stew Leonard's supermarket at 467 Allwood Road, Block 79.01, Lot 1.
2.

GRANTED the application of BOTANY VILLAGE PROPERTY LLC for preliminary and final site plan approval with associated "c" and "d" variances to construct a three-story building with four residential units on the second floor and a restaurant and bar in the basement and first floor at 254 Dayton Avenue, Block 4.18, Lot 21.
3.

WITHDRAWN WITHOUT PREJUDICE the application of JAIME & VIVIANA BORJA for a 6-foot-high solid fence along the perimeter of the property at 67 Hueimmer Terrace, Block 64.01, Lot 17.
4.

DENIED the application of MJG-MAR REALTY, LLC for a use variance and bulk variances for a storage and distribution center for the retail and wholesale sale of motor vehicle parts at 42 Lakeview Avenue, Block 7.05, Lot 70.
5.

GRANTED the application of FAUSTO ORTEGO for variance for a 5-foot-high solid fence along Grove Street side of the property at 29 Abbe Lane, Block 27.12, Lot 6.
6.

GRANTED the application of LIGIA FILION for side yard setback variance for a driveway on right side of the home with 0 foot setback at 33 Clinton Avenue, Block 12.23, Lot 7.

7. GRANTED the application of ANDREA & JEFFREY HOLM for rear yard setback variance for a proposed addition at 10-12 Mt. Washington Drive, Block 32.08, Lot 14.

8. GRANTED the application of KALMAN FRIEDMAN for variances for side yard setback and rear yard setback to replace an existing shed at 462 South Parkway, Block 58.01, Lot 7.

9. GRANTED the application of ABRAHAM GHANOONI for variances for rear yard setback, lot coverage, and driveway not permitted in front of house not serving a garage for a two-story addition and conversion of garage to living space at 145 Allwood Road, Block 57.01, Lot 44.

10. GRANTED the application of DAWN JOHNSON for variance for right side yard, left side yard, and combined side yard setbacks to cover deck with roof and screening at 119 William Street, Block 72.05, Lot 14.

11. GRANTED the application of JASMITA & RAHUL KAPOOR for variances for left side yard, front yard setback, and front yard setback for a two-story addition, extension to existing attic and a front porch addition at 18 Barberry Lane, Block 53.09, Lot 2.

12. GRANTED the application of SHAMAI GOLDBERG for variances for lot coverage, right side yard, combined side yards, and number of stories to erect a second floor addition at 25 Edgewood Avenue, Block 58.13, Lot 22.

ADOPTION OF MINUTES

1. Minutes of October 26, 2022 special meeting.
2. Minutes of November 2, 2022 regular meeting.