

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
January 4, 2023
6:30 P.M. REORGANIZATION MEETING
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on January 4, 2023.

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 | 522 VALLEY
ESTATES LLC
Jason R. Tuvel,
Esq.
(CONTINUED TO
02/01/2023) | 522 Valley Road Steep Preliminary and final
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, |
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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	WALBRI PROPERTIES, LLC Gary Cohen, Esq. (CONTINUED TO 01/18/2023)	1 & 9 Walnut Street Block 37.04, Lots 9 and 13 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.	<u>AS AMENDED FOR 11/16/22</u> M2 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 & 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.

- 3. **EMB 561 LLC** 561 Van Houten Ave. BC Preliminary and Final
 Use John A. Conte, Block 43.04, Lot 8 site plan approval; use
 Variance; Jr., Esq. variance approval; bulk
 Variances **(CONTINUED TO** variances from Section
 01/18/2023) 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.

- 4. **833 CLIFTON** 833 Clifton Ave. BC Preliminary and final
 Use **AVE PARTNERS,** Block 35.07, Lot 1 site plan approval, use
 Variance; **LLC** variance, bulk variances
 Variances Glenn Peterson, and exterior LED
 Esq. lighting.
 (CONTINUED TO The applicant seeks approval to construct a
 01/18/2023) 3-story residential apartment building containing
 26 one-bedroom units. Any and all additional
 variances that may be required.

5. **MESIVTA OF CLIFTON, INC.** 294 Main Avenue B-B Applicant is requesting relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision of the Municipal Code of the City of Clifton necessary for approval of the application to demolish 3 existing buildings fronting on 294 Main Avenue, Clifton, New Jersey, and to replace these buildings with one two-story building (15,284 square foot building footprint) consisting of classrooms and school facilities, and to expand the school dormitory which is an existing building at the rear of the property and to consolidate all of the lots. The property is located in a B-B Neighborhood Retail Business Zone. The variances sought are for the proposed use, maximum lot coverage, front yard setback, rear lot setback, building height, sideyard setback, parking spaces, and parking location, and any and all other variances or waivers required for property.

Use Variance; Variances Henry C. Walentowicz, Esq.

NEW HEARINGS

1. **MARK LASKY** 822 Passaic Avenue PD-HC Bulk: 4,151 s.f. of minimum lot area where 40,000 s.f. is required; 43.04' for minimum lot width where 200' is required; 100' of minimum lot depth where 200' is required; 45' front yard setback where 50' is required; 5' rear yard where 50' is required; Use: A private automobile garage where the permitted uses are only retail, services, office, financial, sit down restaurants and indoor recreation facilities; And such further and other variances and waivers as may become known. (PLANS SENT TO COMRS)

Use Variance Frank A. Carlet, Esq.

2. **DOUGLAS & LISA SMITH** 133 Pershing Road RA2 The applicant is proposing a second story addition which requires the following variances: Rear yard setback proposed at 30' where 35' is required; Side yard setback proposed at 4.65' where 6' is required; Combined side yard proposed at 11.65' where 16' is required. (PLANS SENT TO COMRS)

Use Variance

3. **CLIFTON ADULT OPPORTUNITY** 900 Clifton Ave. RA3 The applicant is proposing to receive approval for an amended final site plan. Dominic Iannarella, Esq. This application comes after the applicant received approval on November 3, 2021 to construct an additional building on City Hall property to expand their present use. After approval, the applicant applied to the Historic Preservation Office, which is now requiring that the applicant change the roof style from a Gable roof to a Mansard roof. Under the Clifton ordinance, the height on these two roofs is calculated differently with the Gable roof calculated at its median point and the Mansard roof being calculated at its peak. Accordingly, the applicant resubmits this amended final site plan for approval based on the new height calculation despite the overall physical height of the building being less than the initial application. Everything else from the initial application remains the same and unchanged. (PLANS SENT TO COMRS)
4. **MIKHAIL KRESLAVSKIY** 632 Bloomfield Ave. RA3 The applicant is proposing a one-story addition which requires the following variances: Rear yard setback proposed at 18.10' where 35' is required; Side yard setback proposed at 4.2' where 6' is required; Lot coverage proposed at 27.63% where 27% is required. (PLANS SENT TO COMRS)
5. **Wael Abdelsalam** 67 Donna Drive RA2 The applicant is requesting a variance for a rear yard setback due to an already built deck which is 28.5' from the property line where 35' is required. (PLANS SENT TO COMRS) Block 47.05, Lot 27
6. **Daniel & Rachel Besser** 126 Allwood Place RA2 The applicant is proposing to make existing deck bigger which requires the following variance: Rear yard setback proposed at 23.4' where 35' is required. (PLANS SENT TO COMRS) Block 50.09, Lot 38

RESOLUTIONS

1. GRANTED the application of LISA RODRIGUEZ for variance for a 5-foot-high solid fence on the northeast side of the home up to the corner of the house at 309 Brighton Road, Block 48.03, Lot 10.
2. GRANTED the application of DAVID SEGAL for rear yard setback variance to erect a two-story rear addition at 18 Patricia Place, Block 71.01, Lot 4.
3. ADOPTED the 2021 Annual Report of the Clifton Zoning Board of Adjustment dated December 3, 2022, prepared by GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD.
4. APPOINTING JACLYN MORGESE, ESQ., of CORNELL, MERLINO, MC KEEVER & OSBORNE as Counsel Secretary for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
5. APPOINTING JOHN D. POGORELEC, ESQ., as Special Counsel for Litigation for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
6. APPOINTING GRAVIANO & GILLIS ARCHITECTS & PLANNERS, LLC, NICHOLAS A. GRAVIANO, PP, AICP, JD, as Planner for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
7. APPOINTING NEGLIA ENGINEERING ASSOCIATES as Engineer for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
8. APPOINTING NEGLIA ENGINEERING ASSOCIATES as Landscape Architect for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
9. APPOINTING NEGLIA ENGINEERING ASSOCIATES as Traffic Consultant for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.
10. APPOINTING LAURA A. CARUCCI, C.S.R., R.P.R., LLC as its Certified Shorthand Reporter for the Zoning Board of Adjustment of the City of Clifton for the calendar year 2023.