

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
FEBRUARY 15, 2023
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on February 15, 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., Block 35.06, Lot 16 – B-C
Site plan approval 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 required variances. DENIED DECEMBER 2, 2021 – COURT-ORDERED REMAND. |
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CONTINUED HEARINGS

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| 1.
Variances;
Use Variance | 522 VALLEY
ESTATES LLC
Jason R. Tuvel,
Esq.
(CONTINUED
TO 03/15/2023) | 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist Preliminary and final major site plan 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 N.J.S.A. 40:55D-70(d)(6)for building height greater than permitted (35 ft. permitted;4 2.75 feet proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 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. |
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2. Variances; Use Variance	WALBRI PROPERTIES, LLC Gary Cohen, Esq. (CONTINUED TO 02/15/2023)	<u>AS AMENDED FOR 11/16/22</u> - 1 & 9 Walnut Street, Block 37.04, Lots 9 and 13 – M2 An Application for development has been submitted for property 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.
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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. (PLANS SENT TO COMRS).

3. **EMB 561 LLC** 561 Van Houten Ave., Block 43.04, Lot 8 – BC
 Variances; John A. Conte, Preliminary and Final site plan approval; use variance
 Use Variance Jr., Esq. approval; bulk variances from Section 461-13 for pre-
(CONTINUED existing non-conformities consisting of minimum front
TO 02/15/2023) 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. (PLANS SENT TO
 COMRS).
4. **833 CLIFTON** 833 Clifton Avenue, Block 35.07, Lot 1 - BC
 Variances; **AVE** Preliminary and final site plan approval, use variance,
 Use Variance **PARTNERS,** bulk variances and exterior LED lighting. The applicant
LLC seeks approval to construct a 3-story residential
 Glenn Peterson, apartment building containing 26 one-bedroom units.
 Esq. Any and all additional variances that may be required.
(CONTINUED
TO 03/01/2023)
5. **MAIN FOOT** 1610 Main St. & 80 W. 2nd St., Block 9.07, Lots 25 and
 Variances; Use **AND ANKLE** 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is
 Variance; Site **LLC** proposing a consolidated subdivision of 1610 Main
 Plan Glenn Peterson, Avenue and 80 West 2nd Street. The applicant further
 Esq. proposes a 3-story mixed use building for medical
(CONTINUED offices and a retail pharmacy. A D1 use variance is
UNTIL 2/15/22) requested in addition to any and all other variances as
 may be required. (PLANS SENT TO COMRS).

NEW HEARINGS

1. **MAUREEN** 8 Sargeant Ave., Block 36.05, Lot 17 – RB1 – The
 Variances **HUBY** applicant is proposing a second-floor addition which
 requires the following variances, front yard setback
 proposed at 20.35' where 25' is required, rear yard
 setback proposed at 29.65' where 35' is required, side
 yard setback proposed at 4.54' and 12.46' where 6' and
 16' is required. (PLANS SENT TO COMRS).
2. **CARLOS** 243 Ackerman Avenue, Block 8.18, Lot 1 – RB3 – The
 Variances **SOLER** applicant is requesting a variance for a section of 5' solid
 fencing on the Milosh Street side of the home from the
 back of the house to the garage where 4' 50% open
 fencing is required .(PLANS SENT TO COMRS).
3. **FRANK** 68 Avondale Avenue, Block 46.01, Lot 45 – RA2 – he
 Variances **JEFFREY** applicant is requesting to expand the driveway and curb
HAHOFER cut on the right-hand side all the way to the property line
 which requires the following variance; 0' setback
 proposed where 5' is required. (PLANS SENT TO
 COMRS).

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| 4.
Variances | NICHOLAS
BUSH | 55 Maple Place, Block 11.09, Lot 6 – RA3 – The applicant is proposing a consolidated subdivision of 1610 Main Avenue and 80 West 2 nd Street. The applicant is requesting to replace an existing 1 car garage with a 2-car garage which requires the following variances, maximum accessory structure permitted is 300 sq. ft where 576 sq. ft is proposed, garages must be between 10' and 20' from the house where 37'7" from house is proposed and lot coverage proposed at 29.31% where 27% is permitted. (PLANS SENT TO COMRS). |
| 5.
Variances | KEN LOWY | 60 Lehigh Avenue, Block 70.03, Lot 54 – RA3 – The applicant is expanding previously approved side yard setbacks 4.5' & 5.5' with an 18" cantilever and intersecting gable roof on rear of house where 6' combined 16' is required, previously approved lot coverage for 28.74% and proposed is now 29.94%, previously approved front yard setback of 23.8' is still required (PLANS SENT TO COMRS). |

RESOLUTIONS

1. GRANTED the application of MARK LASKY for bulk variances for various setbacks and use variances to permit construction of a free-standing, 1,350 sq ft private parking garage to house privately owned collectible cars at 822 Passaic Avenue, Block 81.01, Lot C6.
2. GRANTED the application of JOSEPH JANKOWSKI for variances to construct a second-floor addition at 427 Mount Prospect Avenue, Block 55.05, Lot 72.
3. GRANTED the application of ZEV PRINCE for side yard and combined side yard set back variances in order to construct a rear, one story addition at 100 Dawson Avenue, Block 49.05, Lot 16.
4. GRANTED the application of RUTH OYANGUREN and SILAS AYALA for front, side yard, and lot coverage variances on a lot with pre-existing nonconformities in order to expand a 2 family house at 45 Barkley Avenue, Block 11.06, Lot 7.
5. GRANTED the application of VANE VLASEVSKI for variances to permit parking and dispatch of commercial minivans and the storage of commercial materials in the basement for an electrical contracting business located at 775 Bloomfield Avenue, Block 57.01, Lot 6.