

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
APRIL 5, 2023
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on April 5, 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 05/03/2023) | 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist The Applicant seeks approval to demolish the existing building and construct a new residential complex consisting of 20 townhouse/multifamily 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; 44.99 ft. proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and design waiver/exception relief, including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed); (2) Open space consisting of less than 25 ft. and located within 10 ft. of side or rear Property lines proposed where same is not permitted; (3) Soil proposed to be excavated in excess of 30% and on the cliff face where same is not permitted; (4) Vertical cut greater than permitted (15 ft. permitted; 56 ft. proposed); (5) Building coverage for over 30% slope area greater than permitted (0% permitted; 1.8% proposed); (6) Impervious surface (lot) coverage for over 30% slope area greater than permitted (0% permitted; 4.5% proposed); (7) Open space for 25.1-30% slope area less than required (50% required; 46.9% proposed); (8) Open space for over 30% slope area less than required (100% required; 79.9% proposed); (9) Number of trees replaced less than required (87 trees required; 48 trees proposed); and (10) Ground sign proposed where same is not permitted. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, de minimis exceptions to the |
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State of New Jersey Residential Site Improvement Standards, 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 | 833 CLIFTON AVE PARTNERS, LLC Glenn Peterson, Esq. (CONTINUED TO 04/05/2023) | 833 Clifton Avenue, Block 35.07, Lot 1 - BC 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). |
| 3. Variances; Use Variance; Site Plan | MAIN FOOT AND ANKLE LLC Glenn Peterson, Esq. (CONTINUED TO 04/05/2023) | 1610 Main St. & 80 W. 2 nd St., Block 9.07, Lots 25 and 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is proposing a consolidated subdivision of 1610 Main Avenue and 80 West 2 nd Street. The applicant further proposes a 3-story mixed use building for medical offices and a retail pharmacy. A D1 use variance is requested in addition to any and all other variances as may be required. |

NEW HEARINGS

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| 1. Variances | DAVID VELASCO | 81 Mac Arthur Drive, Block 63.01, Lot 13 – RA1 – The applicant is proposing a second story rear addition which requires the following variance: rear yard setback proposed at 25.5’ where 35’ is required. |
| 2. Variances | FRANKLIN PECHO | 53 Center Street, Block 4.16, Lot 14 – RB3 – The applicant is proposing a second-floor renovation which includes new stairs in the rear of the home which require the following variances; rear yard setback proposed at 19.02' where 45' is required, side yard setbacks proposed at 1.2' & 11.7' where a minimum 12' is required, and combined side yard proposed at 12.9' where 24' is required. |
| 3. Variances | CARLOS LANGE | 473 Highland Avenue, Block 21.04, Lot 5 – RB2 – The applicant is proposing to complete construction on a partially built new two car covered garage requiring the following variances, 440 sq. ft garage not permitted in the zone, garage proposed at 2' from rear and side where 5' is required, and 2 stories proposed where 1 story is permitted. |
| 4. Variances; Use Variance | KAREN ESPINAL | 430 Clifton Avenue, Block 12.02, Lot 17 – B-A1 – The applicant is requesting a use variance to operate an after-school program in combination with a dance/etiquette school on the first floor of a preexisting mix-use building. Currently there is a residential unit on the second floor and office space on the first floor. Applicant is also seeking a parking variance as only four spaces are proposed and seven are required. |

5. **BANK OF AMERICA, NATIONAL ASSOCIATION** Thomas Letizia, Esq. 1045 Clifton Avenue, Block 41.04, Lot 2 – BA – The Applicant requests variance approval for signage improvements at the bank branch. Specifically, the Applicant proposes to replace the Bank of America sign in the white space on the building facing Clifton Avenue (Route 161), replace the Bank of America wall sign facing St. James Place, and install a new Bank of America monument sign near the road intersection. The other informational and wayfinding signage on site will also be updated. The Applicant requests a variance from Section 461-56.A of the City Ordinance to allow a total signage area of 143.4 square feet where the maximum area allowed for this site is 50.26 square feet. The Applicant also requests any additional variances, waivers, exceptions or other relief or approvals as may be required to permit the proposed development, or which may result from the recommendations of the Zoning Board in its review of the application.

COMMUNICATION

1. Communication requesting 90-day extension of variances granted to LILIANA OTALVARO, 610 Gregory Avenue, Block 13.13, Lot 4, granted January 5, 2022, adopted January 19, 2022.

RESOLUTIONS

1. **DISMISSED WITHOUT PREJUDICE** the application of BRIAD DEVELOPMENT, for amended preliminary and final site plan approval, with associated 'c' and 'd' variances to convert the existing single-tenant "Stew Leonard's" building at The Promenade Shops at Clifton into a multitenant facility with a drive-through for a future restaurant tenant on property identified on the tax maps of the City of Clifton as Block 80.01, Lots 11.01 and 11.03, which parcels are commonly known as 345 Allwood Road and 826 Route 3, Clifton. The applicant requests any and all necessary variances, waivers, approvals or other relief, site plan and land use ordinances as may be necessary for this application, including but not limited to the following:
1. A d(1) use variance (Sections 461-13.1AA(1) and 461-13.1AA(5)(i) for the drive through facility.
 2. Section 461-13V(8)(c)(2) (maximum height of ground signs) (20 feet permitted; 29.1 feet existing; and 40.92 feet proposed) for premises located at 345 Allwood Road and 826 Route 3, Block 80.01, Lots 11.01 and 11.03.