

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
APRIL 19, 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 19, 2023.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

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| 1.
Use Variance;
Variance;
Site Plan | JOHN RADER
Ira E. Weiner, Esq.
(CONTINUED
TO 05/03/2023) | 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.

2. **833 CLIFTON AVE PARTNERS, LLC**
Glenn Peterson, Esq.
(CONTINUED TO 05/03/2023)
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.

3. **MAIN FOOT AND ANKLE LLC**
Glenn Peterson, Esq.
(CONTINUED TO 05/03/2023)
1610 Main St. & 80 W. 2nd 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 2nd 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.

4. **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. (PLANS SENT TO COMRS.)

NEW HEARINGS

1. **KLEBER MOLINA**
143 Valley Road, Block 14.20, Lot 8 – B-B – The applicant is looking for relief to finish construction of a rear dormer which requires the following variances; dormer creates 3rd story where only 2 stories are permitted and expansion of existing nonconforming use in the zone. (PLANS SENT TO COMRS.)

2. **MENDEL & MENUCHA NOROWITZ**
122 Patricia Place, Block 71.01, Lot 28 – RA3 – The applicant is proposing a second floor addition to an existing one family home which requires the following variances; front yard setback proposed at 23.5' where 25' is required, lot coverage proposed at 31.12% where 27% is required. (PLANS SENT TO COMRS.)

3. Variance **KELI TEICHMAN** 409-411 South Parkway, Block 58.60, Lot 7 – RA2 – The applicant is proposing an addition in the rear of the home as well as a new covered front porch entry that requires the following variances; front yard setback proposed at 22.9' where 25' is required, rear yard setback proposed at 26.7' where 35' is required, and maximum lot coverage proposed at 34% where 27% is required. (PLANS SENT TO COMRS.)
4. Variance **ZACKARY WILDER** 74 Patricia Place, Block 71.07, Lot 17 – RA3 – The applicant proposes to convert the existing attached garage into living space. The garage door will remain and a variance is required for a driveway in front of the home not serving a garage. (PLANS SENT TO COMRS.)
5. Variance; Use Variance **MIGUEL CABRERA** Alfred Acquaviva, Esq. 72 Arthur Street, Block 4.02, Lot 14 – R-B2 – The applicant is seeking approval to modify an existing detached pergola located in the backyard in compliance with the applicable city ordinances in accordance with the plans submitted with this application. The ordinance provides for a maximum of 25% coverage (775 square feet) where the applicant is seeking coverage of 38.65% (1,376.89 square feet). All of the requested variances are pre-existing and the applicant is not seeking to expand any of the said variances. (PLANS SENT TO COMRS.)
6. Use Variance; Variance **ARISEB PROP. LLC** Franklin Montero, Esq. 88 Center Street, Block 4.07, Lot 28 – R-B3 – The applicant seeks to change the existing use of the R-B3 Zoned Building from 1st Floor Business/ Bar & 2nd and 3rd Floor Residential to a proposed 1st Floor Mixed Use consisting of a 1 1st Floor 1 Br Section 8 Apartment/ Walk Up Community Laundromat and 2nd & 3rd Floor Residential (No Change on 2nd & 3rd Floor). Relief is being requested to seek a variance to allow to convert the existing inactive Business/ Bar to a mixed use 1 BR apartment/ Walk up Community Laundromat to service the local community. (PLANS SENT TO COMRS.)
7. Site Plan; Use Variance; Variance **CRP / CHI CLIFTON OWNER, LLC** Joseph Wenzel, Esq. 558-600 Getty Avenue, Block 9.04, Lot 22 – M-3 – The applicant seeks preliminary and final site plan approval for the construction of a new 186,577 square foot warehouse facility, a conditional use in the district. The applicant requests the following variances: (1) maximum height of accessory structure (pump house) will be 35 feet where 20 feet is allowed; (2) maximum building height will be 43.15 ft where 40 ft is allowed; (3) off street parking and drive aisles within the front yard where no parking of driveways within the front yard is allowed (4) ground sign (monument) will be in front yard setback and no ground sign is allowed in the front yard setback; (5) LED lighting where high pressure sodium is required; (6) conditional use variance under 40:55D-70d(3) and (7) any and all variances that the Board may deem necessary or the applicant may require.

RESOLUTIONS

1. GRANTED the application of DAVID VELASCO for a rear yard setback variance to construct a second story rear addition for premises located at 81 Mac Arthur Drive, Block 63.01, Lot 13.
2. DENIED the application of FRANKLIN PECHO for rear yard, side yard, and combined side yard variances to construct new stairs in the rear of the home for premises located at 53 Center Street, Block 4.16, Lot 14.
3. DENIED the application of CARLOS LANGE for a variance to permit a 440 sq. ft two story garage, as well as rear and side yard set backs variances to complete construction on a partially built two car covered garage for premises located at 473 Highland Avenue, Block 21.04, Lot 5.
4. GRANTED the application of KAREN ESPINAL 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, and a parking variance as only four spaces are proposed and seven are required for premises located at 430 Clifton Avenue, Block 12.02, Lot 17.
5. GRANTED a 90-day extension of time for the Resolution GRANTING the application of LILIANA OTALVARO for variances for lot width, lot area, left side line setback variance, and variance for 3 stories to demolish an existing single-family home and erect a new two-family home at 610 Gregory Avenue, Block 13.13, Lot 47.