

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
May 4, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on May 4, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1.
Prelim. &
Final Major
Site Plan

BOTANY VILLAGE 254 Dayton Avenue PD1 For preliminary and
PROPERTY LLC Block 4.18, Lot 21 final major site plan
Jason R. Tuvel, approval, use variance,
Esq. bulk variance and design
(CONTINUED TO waiver/exception relief.
JUNE 1, 2022)

The property is located in a PD-1 Zoning District. The Applicant seeks approval to demolish the existing building on the Property and construct a new mixed-use building consisting of six (6) residential dwelling units within three (3) stories above ground floor commercial (restaurant/tavern) space and related site improvements.

The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for a non-permitted use, as residential use is not permitted in the PD-1 Zoning District and a height variance pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (30 ft. permitted; 40 ft. proposed). To the extent necessary, Applicant seeks a parking variance for providing less than required number of parking spaces and seeks a conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant further seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) with respect to (1) front yard setback less than required (15 ft. required; 0.37 ft. proposed); and (2) number of building stories greater than permitted (2 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 approval 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
Variances,
Variances

EMPIRE REALTY 94-96 Market Street B-C
MANAGEMENT CORP. Block 68.03, Lot 43
Frank A. Carlet,
Esq.

An approval to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the

existing retail stores on Market Street and, in the rear, construct a three story apartment building containing 26 senior citizens housing units restricted to tenants aged 55 and older. Two use variances are required, one to permit more than two principal uses on the same lot and second to permit housing in a B-C zone where no housing is permitted. Utilizing the bulk variances set forth in the Zoning Ordinance for the areas in which the two uses for which use variances are sought are permitted, as required by law, the following bulk variances are required:

- front yard 5' required, 0' provided;
- minimum rear yard 10' required, 0' proposed;
- side yards, where the property abuts residential use, for the sideyards half of the height of the building is required. On the right side, 0' is proposed and on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard.
- It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

3.
Use
Variance

MJG-MAR REALTY, 42 Lakeview Avenue B-C
LLC Block 7.05, Lot 70
Frank A. Carlet,
Esq.

Application for a use variance to permit use of the property previously occupied by the GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts at retail and wholesale. The property is located in a B-C zone in which the sale at wholesale is not permitted.

4.
Use
Variance;
Variances

STORAGE BLUE 550 Lexington Ave. B-C
CLIFTON, LLC Block 7.07, Lot 1 &
Christos J. RB2
Diktas, Esq.
(CONTINUED TO
MAY 18, 2022)

Applicant is requesting relief, if necessary, from any variances, approvals, waivers, and/or exemptions from any applicable provision of the Municipal Zoning Code of the City of Clifton necessary for approval of the application, to renovate the existing warehouse

and change its use from a warehouse to a self-storage warehouse ("D" variance) plus the following bulk variances and final site plan approval:

Bulk Requirements: B-C Zone (General Business District)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback	46 Ft.	42.32 Ft.	42.32 ft.	Existing
Minimum Front Yard Setback	5 Ft.	9.32 Ft.	9.32 Ft.	No
Minimum Rear Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback (Both)	20 Ft.	N/A	N/A	N/A
Minimum Side Street Setback	5 Ft.	0 Ft.	0 Ft.	Existing
Maximum Lot Coverage	60%	55.58%	66.07%	Yes
Minimum Accessory Building Side Yard Setback	3 Ft.	N/A	N/A	N/A
Minimum Accessory Building Side Street Setback	25 Ft.	N/A	10 Ft.	Yes
Minimum Distance to Main Building	10 Ft.	N/A	5 Ft.	Yes

Bulk Requirements: R-B2 Zone R-B1 One-Family Residential Use)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback to (ft.)	46 ft.	B-C Zone	B-C Zone	N/A
Minimum Front Yard Setback (ft.)	25 ft.	B-C Zone	B-C Zone	N/A
Minimum Rear Yard Setback (ft.)	35 ft.	9.42 ft.	9.42 ft.	Yes
Minimum Side Yard Setback (ft.)	6 ft.	4.81 ft.	4.81 ft.	Existing
Minimum Side Yard Setback (Both)	16 ft.	N/A	N/A	N/A
Minimum Side Street Setback (ft.)	10 ft.	0 ft.	0 ft.	Yes
Maximum Lot Coverage (%)	27%	55.58%	66.07%	Yes
Maximum Accessory Building Height (ft.)	14 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Front Yard Setback (ft.)	60 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Street Setback (ft.)	25 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Rear Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Distance to Main Building (ft.)	10 ft	N/A	B-C Zone	N/A

Off Street Parking:

<u>Use</u>	<u>Parking Requirement</u>	<u>Total Required</u>	<u>Total Proposed</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Space per 250 SF of Floor Area			
Shops, Mills, Factories, Warehouses, and Storages	2 Employees but not less than 1.0 space for each 2,000 SF of Floor Area	32 Spaces	17 Spaces	Yes (15 Spaces)
Hoses (Self Storage)				

Loading Requirements:

<u>Use</u>	<u>Total Required</u>	<u>Total Provided</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Loading Spaces		
Shops, Mills, Factories, Warehouses and Storage Houses (Self Storage)	3.84 Loading Spaces	2.0 Loading Spaces	Yes (3 Spaces)

Signage Bulk Table:

<u>Sign Type</u>	<u>Description</u>	<u>Ordinance</u>	<u>Permitted</u>	<u>Proposed</u>	<u>Variance</u>
Wall Sign #4	One (1) Proposed Wall Sign (Facing Seger Ave) 86.17 SF (5'-6" L x 15'-8" H)	\$461-54	Max Area = ((363.60 ft x 15) x (0.1)) = 545.4 S	86.17 SF	No (Yes- Non-Permitted Use)
Ground Sign #1	One (1) Proposed Ground Sign (Facing Lexington Avenue) 5.67 SF (1'-5" L x 4'-0" H) Each	\$461-55	Max Area = (53.10 Ft + 45.45 Ft) - 98.55 Ft x 2 = 197.10 SF Max Height = 20 Ft Max Front Yard Setback = 60 Ft	Area = 5.67 SF Height = 16 Ft Setback = 13 Ft	No No Yes

NEW HEARINGS

1. Variance
- GENNARO RUBINO** 132 Rutgers Place RA2 Applicant is proposing a new 1 story addition which involves a rear yard setback. Required setback is 35' where 21' is being proposed. (PLANS SENT TO COMRS.)
Block 27.11, Lot 3
2. Use Variance
- MARJORY MITCHELL** 174 Sargeant Ave. RB1 Applicant is proposing to convert an existing 1½-story frame accessory structure into living space changing the property from a one-family dwelling to a two-family dwelling.
Block 36.01, Lot 27
- Per the ordinance for single- and two-family detached dwellings, there shall be only one principal structure per lot.
(PLANS SENT TO COMRS.)
3. Use Variance; Variance
- PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION** 409-411 Main Ave. B-B Applicant proposes to connect the existing rabbinical study facility to the first floor of the existing 2 family dwelling and utilize that 1st floor for additional studies. (The second floor would remain residential).
Block 59.03, Lot 17
Glenn Peterson, Esq.
- Applicant also proposes to expand the current study area with a 370 sq ft addition to the front structure which requires the following variances: A use variance for the expansion of the previously approved nonconforming use and the existing mixed use on the property. Front yard setback is requested for 12.70 ft where 45' is required. In addition to the above, applicant is also seeking to extend its hours of operation. Current hours of operation are part of a previously approved application granted on 04/19/2017. (PLANS SENT TO COMRS.)
4. Use Variance; Variances
- VK ACQUISITIONS VI, LLC** 90 Kingsland Ave. M3 For preliminary and final site plan, conditional use and variance approvals.
Block 84.01, Lot 25.01
John P. Wyciskala, Esq.
- The subject property is approximately 7.09 acres in size, and is currently improved with an approximately 9,173 square foot ("SF") one story commercial building which, upon information and belief, has historically been used for automobile maintenance, repair and service. The remainder of the site is largely paved and has historically been used for automobile and other vehicular storage. It currently serves as an automobile inventory storage yard and service facility by a local automobile dealership. (CONT'D.)

The Applicant is proposing to improve and utilize the Property for the parking and/or storage of automobiles, vans (fleet type), truck/trailer parking and storage and/or equipment storage within the existing outdoor parking areas of the Property, as well as continued repair and maintenance of vehicles or equipment within the existing one-story commercial building. No changes are proposed with respect to the existing commercial building, and no new buildings are proposed. The Applicant is proposing improvements within the site which includes repairs and restriping of the existing parking lot areas, upgraded lighting and landscaping. There are four proposed parking lot striping plans included within the site plan set submitted to the Board, which include layouts for truck storage, automobile parking, van (fleet) type parking and equipment storage.

The Applicant is seeking variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) and (d/3), including a D(1) use variance and D(3) conditional use variance relief to permit the use of the Property for outdoor storage/parking of automobiles, trucks, fleet vehicles and construction-type equipment due to the fact that the uses are not deemed a permitted use in the M-3 zone and/or do not meet all of the conditional use standards set forth in the Code. The Applicant is also seeking bulk variance pursuant to N.J.S.A. 40:55D-70(c)(1) and/or (c)(2) for the following:

1. To permit the use of LED lighting in the parking lot areas where it is currently not permitted.
2. Total Off-Street Parking Associated with the Existing Commercial Building-46 spaces required, 19 parking spaces proposed (9' by 19' in dimension).
3. To permit parking, loading and drive aisles in front yards of the Property (Section 461-60E).
4. Parking, Loading and Drive Aisle Setbacks - 10' to side yard/5' to front yard required (Section 461-60F). Proposal does not meet these minimum setback requirements along the Myrtle Avenue, Kingsland Avenue and Century Drive frontages.
5. Landscaping for Interior Parking. A minimum of 20 SF of landscaping is proposed for each parking space. (Section 461-60N). Less than the minimum is proposed.

In addition to the above approvals, the Applicant requests that the application be deemed amended to include, and that the Board grant any additional approvals, variances, exceptions, or waivers determined to be necessary or desirable

in the review and processing of this application, whether requested by the Applicant, the Board or otherwise. (PLANS SENT TO COMRS.)

COMMUNICATION

1. Communication requesting 90-day extension of variance granted to JENNIFER & BRADLEY COLWELL, 50 East Normal Avenue, Block 74.09, Lot 15, granted May 5, 2021, adopted May 19, 2021.

RESOLUTIONS

1. GRANTED the application of MAPLE GARDEN APARTMENTS, LLC for a d(5) use variance and bulk variances for parking stall size, five off-street parking spaces, parking in the front yard area, and 5-foot buffer from the parking area at 765 Clifton Avenue, Block 30.09, Lot 1.

2. GRANTED the application of YESICA RAMIREZ for a proposed driveway with 0 feet setback at 80 Mahar Avenue, Block 3.08, Lot 14.

3. GRANTED the application of AUTUSTO GONZALEZ & CELSA TAPIA for a 5-foot-high solid fence along the whole left side of the premises at 13 Whitmore Place, Block 8.13, Lot 12.

4. GRANTED the application of JOSHUA MC COY AND SARLAIN SCOTT MC COY for side yard setback variance, combined side yard setback variance, and front yard setback variance for a new second floor expansion after fire damage at 11 Lincoln Place, Block 4.09, Lot 20.

5. GRANTED the application of JBK ENTERPRISES, LLC d/b/a THE BARROW HOUSE for a d(3) conditional use variance to allow live music at the subject premises at 1292-1296 Van Houten Avenue, Block 34.04, Lot 29.

6. DISMISSED WITHOUT PREJUDICE the application of LAZO JOSIFOSKI for a subdivision at 112 Mountain Park Road, Block 22.01, Lot 16, for lack of jurisdiction.