

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
July 20, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on July 20, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

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| 1.
Use
Variance;
Variances | BOTANY VILLAGE 254 Dayton Avenue PD1
PROPERTY LLC Block 4.18, Lot 21
Jason R. Tuvel,
Esq. | (As revised for 07/20/22)
For preliminary and
final major site plan
approval, use variance,
bulk variance and design
waiver/exception relief. |
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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 three- (3) story mixed-use building consisting of four (4) residential dwelling units above ground floor commercial (restaurant/tavern) space, along with 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. The Applicant further seeks bulk variance relief Pursuant to N.J.S.A. 40:55D-70(c), including:

- (1) minimum lot area less than required (2,500 sf. required; 2,279 sf. existing non-conformity to remain unchanged);
- (2) Minimum lot depth less than required (100 ft. required; 90 ft. existing non-conformity to remain unchanged);
- (3) Building height greater than permitted (30 ft. permitted; 31.5 ft. proposed);
- (4) Number of stories greater than permitted (2 stories permitted, 3 stories proposed); and
- (5) Exterior lighting fixtures not proposed to be high-pressure sodium vapor where same is required.

To the extent necessary, the Applicant seeks a parking variance for providing less than required number of parking spaces and seeks conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. 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.

(REVISED PLANS SENT TO COMRS)

2. **1128 SPRINGFIELD** 635 Brighton Road M2 For site plan approval/
Use **ASSOCIATES, LLC** Block 42.16, Lot 6 amended site plan
Variance; Richard S. approval, with associated
Variances Schkolnick, Esq. "c" and "d" variances to
(CONTINUED TO
AUGUST 17, 2022) construct building
additions to the
existing warehouse
building on property.

Please take notice that the applicant hereby requests any and all necessary variances, waivers, approvals or other relief from the City of Clifton zoning, site plan and land use ordinances, including but not limited to the following:

1. A d(2) variance for the expansion of the nonconforming warehouse use;
2. Section 461 attachment #3 (minimum rear yard) (15 feet required; 14.8 feet existing and proposed).
3. Section 461-14 (minimum landscape buffer) (40 feet required, 10.4 feet existing and proposed).
4. Section 461-60(E) (parking in front yard prohibited) (parking in front yard existing and proposed).
5. Section 461-32(A) (high pressure sodium lights required; LED lights proposed).

3. **TFJ HAZEL LLC** 252 Hazel Street & RB2 Preliminary and Final
Use Meryl A. G. 237 West 3rd Street Major Site Plan approval,
Variance; Gonchar, Esq. Block 16.11, Lots 1 & 2 Minor Subdivision (lot
Variances **(CONTINUED TO** consolidation) approval,
AUGUST 17, d(1) use variance, d(5) density variance, and bulk
2022) ("c") relief to construct a three (3)-story mid-rise
(two (2) stories over parking), multi-family
residential building containing fifty-four (54)
dwelling units (currently proposed to contain
twenty (20), one (1)-bedroom units; thirty-four
(34), two (2)-bedroom units) and resident amenities
(the "Proposed Building"), along with 104 on-site
parking spaces (seventy-six (76) covered/under the
Proposed Building and twenty-eight (28) surface
parking spaces), and related site improvements
(all proposed improvements collectively referenced
as the "Project") on the "Property."

Lot 1 (+/- 71,752 square feet) is currently improved with a vacant, nonconforming manufacturing/ industrial building that was formerly operated as a textile dyeing and finishing facility (International Veiling Corp.).

Lot 2 (+/- 3,500 square feet) is improved with a vacant, one-family residential dwelling. As part of the application, the existing lots will

be consolidated (combined) to form a new lot consisting of +/- 75,252 square feet and the existing improvements will be removed.

The Project is proposed to be accessed by a full-movement driveway along 7th Avenue and a full-movement driveway at the intersection of 7th Avenue and West 4th Street. An on-site loading zone is being proposed for resident, delivery, and refuse collection. Proposed site improvements include, but are not necessarily limited to, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, a monument sign near the proposed driveway on Seventh Avenue, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, and walkways/sidewalks.

The Property is in the R-B2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the "R-B2 Zone"), which does not permit mid-rise, multi-family residential buildings.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(d), from the City of Clifton Zoning Ordinance (the "Ordinance"), as follows:

1. From Section 461-13.1.E "Use Regulations" for the R-B2 Zone - To permit a mid-rise, multi-family residential building in the R-B2 Zone, where mid-rise, multi-family residential buildings are not permitted.
2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" - Minimum Lot Area per Dwelling Unit - To permit a lot area per dwelling unit of 1,393.6 square feet, where a minimum lot area per dwelling unit of 3,351 square feet is required.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(c), from the Ordinance, and/or waivers / exceptions from the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, as follows:

1. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Minimum Rear Yard Setback - To permit a rear yard setback (measured to the Garden State Parkway right-of-way) of 4.7 feet, where a minimum rear yard setback of 40 feet is required.
2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Require-

ments - Residential Zone" - Minimum Side Yard Setback - To permit a side yard setback of 12 feet (along Hazel Street (CR702)), where a minimum side yard setback of 20 feet is required.

3. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Minimum Combined Side Yard Setback - To permit a combined side yard setback of 33.6 feet (12' as measured from Hazel Street (CR702) and 21.6' as measured from the property line adjoining Block 16.11, Lot 17), where a minimum combined side yard setback of 40 feet is required.

4. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements - Residential Zone" - Maximum Lot Coverage of Principal Building - To permit a maximum lot coverage of 43.4%, where a maximum lot coverage of 25% is permitted.

5. From Section 461-60.1.A, "Requirements for off-street parking and loading spaces" - To permit 104 parking spaces to be provided, where 135 parking spaces are required under the Ordinance, but not under RSIS which controls.

6. From Section 461-42.A, "Additional requirements" - To permit pole-mounted, building-mounted, and/or site light-emitting diode (LED) lighting fixtures, where high-pressure sodium vapor lights are required.

7. From Section 461-60.A, "Standards for parking spaces and areas" - To permit off-street parking spaces sized 9' wide by 18' deep, where parking spaces are required to be 9' wide x 19' deep under the Ordinance, but not under RSIS which controls.

While the Applicant believes that except as stated above, the application is in conformance with the Ordinance, the Applicant recognizes that the Property has multiple street frontages along Hazel Street, West Third Street, Seventh Avenue, West Fourth Street, and the Garden State Parkway, and it may be determined during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing, that the Property has multiple front yards. In the event that it is determined that the Property has multiple front yards, the application may require additional variances from the Ordinance for minimum front yard setback (minimum of 25 feet required), minimum rear yard setback (minimum of 40 feet required), and/or minimum side yard setback (each, minimum of 20 feet required; combined/both, minimum of 40 feet required). If it is determined that the application requires such additional minimum front yard setback(s),

minimum rear yard setback(s), and/or minimum side yard setback(s) the Applicant is hereby requesting same as part of the application.

The Applicant also requests any other approvals, waivers, variances, deviations and/or exceptions from the Ordinance, the City of Clifton General Ordinances, and/or RSIS as may be determined to be required for the Project during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing.

NEW HEARINGS

1. **REED BERINATO** 35 Merrill Road RB1 Applicant is proposing a second-floor addition and alteration where the following variances are being requested: Side yard setbacks proposed at 5.2' and 9.8' where 12' on each side and 24' combined is required. (PLANS SENT TO COMRS)
Variances

2. **DEVORAH KATZ** 52 Cresthill Avenue RA3 Applicant is proposing to build a one-story rear addition over the existing house. The variances being requested are for combined side yard setback proposed at 11.8' where 16' is required, right-side yard setback proposed at 5.7' where 6' is required and maximum lot coverage proposed at 29.70% where 27% is required. (PLANS SENT TO COMRS)
Variances

3. **MOSHE YEROSHALMI** 101 Patricia Place RA3 Applicant is proposing a second-floor addition over the existing footprint of the first-floor and will include a covered front porch. The following variances are needed: Front yard setback proposed at 22.5' where 25' is required. Rear yard setback proposed at 30.71' where 35' is required. Side yard setback proposed at 4.83' where 6' is required. Combined yard setback proposed at 9.54' where 16' is required. Maximum lot coverage proposed 34.23% where 27% is required. (PLANS SENT TO COMRS)
Variances

4. **ALMA BILLINGS** 66 Scoles Avenue RB1 Applicant is proposing to convert a two-family home into a 3-family home by adding a level. A variance is being requested to allow a 3-family use which is not permitted in the zone. (PLANS SENT TO COMRS)
Use Variance

5. **BARNES KORNER, LLC** 615 Van Houten Ave. BC An expansion of the bar and restaurant known as DINGO'S DEN presently located on the first floor of the property to the second floor for a room for party rentals and overflow from the first floor and a two person apartment which will
Use Variance; Variances
Frank A. Carlet, Esq. RB2

require a use variance. In addition, a variance will be required for insufficient parking (60 parking spaces required/1 parking space provided). However, there is existing municipal parking located in a municipal parking lot across the street from the subject property and another available municipal parking lot less than a block away therefrom, which were created specifically for parking of business establishments located along Van Houten Avenue. Further additional parking will be available on the Shook Funeral Home parking lot after it closes. Front, side and rear yard parking variances will be required for the existing expanded front and side yard setbacks and expansion into the rear yard setback for the construction of an elevator for the second floor. (PLANS SENT TO COMRS)

6. **JAIME & VIVIANA BORJA** Alfred V. Acquaviva, Esq. 67 Huemmer Terrace Block 64.01, Lot 17 RA2 Applicant is seeking variance relief from the Township Ordinance Section 461-47A for permission to construct a fence in excess of the height mandated by the said ordinance. The proposed fence is 6 ft. in height where 4 ft. is permitted. The fence is along the perimeter of the property. (PLANS SENT TO COMRS)
7. **MIGUEL GARCIA & ROSEANN TEMPRA** Alfred V. Acquaviva, Esq. 242 Washington Ave. Block 18.08, Lot 22 RA3 Applicant is seeking to expand the second floor and perform multiple interior renovations to the first floor of the existing home which is their primary residence. The applicant is seeking one (1) new variance for the maximum building coverage where 27% is required and the applicant is proposing 37.2%. The applicant is also requesting three (3) variances, all of which are pre-existing (a side yard setback variance of 4.6 feet where 6 feet is required; combined side yard variance of 15.9 where 16 feet is required and a side yard (street side) variance of 11.3 feet where 10 feet is required). (PLANS SENT TO COMRS)
8. **522 VALLEY ESTATES LLC** Jason R. Tuvel, Esq. 522 Valley Road Block 32.01, Lot 12 Steep Preliminary and final 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 N.J.S.A. 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 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. (PLANS SENT TO COMRS)

9.
Use
Variance;
Variances

PETRA GARDEN,
LLC
Dominic
Iannarella, Esq.

62-66 Mt. Prospect Ave. B-A
Block 36.01, Lot 11.01

The applicant is proposing to amend current approved plans, under Zoning Board Resolution

adopted September 5, 2018, from a 36 unit residential building to a 20 two-bedroom residential unit building with an additional one bedroom apartment for an on-site super (total 21 residential units) and to keep the existing daycare on site instead of razing it as would be required under the 36 unit approved plan. The applicant requests the following variances: Use variance for the proposed use. A variance permitting the two uses on one lot (residential and daycare). Front yard proposed at 4 Ft. where 25 ft. is required. Side yard proposed at 5 Ft. where 10 ft. is required. A variance for maximum lot coverage as the building lot coverage is 31.4% where maximum lot coverage is 30%. A variance for LED sight lighting. A variance for parking space depth proposed at 18 Ft under the RSIS where Clifton Code requires 19 ft. A variance from the code stating that no parking is permitted in the front yard which is currently existing and proposed. A variance from the parking requirement that parking areas be no closer than 10 Ft. to the rear lot line where this is presently existing at 0 ft. and 0 ft. is proposed. A variance permitting a maneuvering area to be within 5 Ft. of the lot line where 4 Ft. is proposed, and more than 5 Ft. is required. A variance for the super apartment to be in the attic. A variance or waiver from submitting an Environmental Impact Statement as the land is not being changed by fill and there will be no tree removal. There will also be no basement. The project will not implicate the environmentally sensitive areas listed in 14. The building will be placed in virtually the same area as a building that was previously razed in

the past on the subject property.
(PLANS SENT TO COMRS)

RESOLUTIONS

1. GRANTED the application of VK ACQUISITIONS VI, LLC for preliminary and final site plan approval, a D1 use variance and D3 conditional use variance and C1 and C2 bulk variances for LED lighting in the parking lot areas; total off-street parking; parking, loading and drive aisles in front yard; parking, loading, and drive aisle setbacks to front yard; and landscaping for interior parking to improve and utilize the property for the parking and storage of trucks and trailers with accessory truck maintenance and service within the existing one-story commercial building on the site at 90 Kingsland Avenue, Block 84.01, Lot 25.01.

2. GRANTED the application of TATIANA ROSADO for left side yard setback and combined side yard setback variances to build a second story addition at 99 Hamilton Avenue, Block 7.02, Lot 7.

3. GRANTED the application of NATASHA SEALY-DORVELUS for rear yard setback variance to construct a rear deck at 71 Homestead Street, Block 27.03, Lot 18.

4. GRANTED the application of JOSEPH STICKLES for variances for side yard setback and rear yard setback to rebuild and enlarge an existing garage and variance for widening of the driveway at 59 Harrington Road, Block 55.12, Lot 13.

5. GRANTED the application of JOSHUA COHEN for rear yard setback variances for a first floor addition at 33 Conover Court, Block 71.03, Lot 11.

6. DENIED the application of JHONATY PEREZ-JIMENEZ for a 5-foot-high solid fence along the front, left side, and rear of the premises at 5 New Brier Lane, Block 67.07, Lot 1.

7. GRANTED the application of AVI & BAYLE GELLER for front yard setback and number of stories variance to expand an existing one-family dwelling at 15 East Parkway, Block 58.05, Lot 8.

8. GRANTED the application of SAWSAN MAEMARI for side yard setback, combined side yard setback, front yard setback, minimum lot width, minimum lot area, and parking setback to convert a one-family to a two-family dwelling at 117 (119) West Second Street, Block 9.09, Lot 4.

9. GRANTED the application of DAUGHTERS OF MIRIAM for a sixty (60) day extension from the date of this Resolution to file the signed mylar with the County Clerk for premises at 155 Hazel Street, Block 24.07, Lot 1.

COMMUNICATIONS

1. Communication dated June 21, 2022, from Attorney Schepis regarding the application of DANIEL & MARGARITA KATZEVICH, 13 Somerset Place, Block 56.07, Lot 11.02.

ADOPTION OF MINUTES

1. Minutes of regular meeting of June 15, 2022.
2. Minutes of special meeting of June 22, 2022.