

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
August 17, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on August 17, 2022.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

1. **JOHN RADER** 817-825 Clifton Ave. B-C Site plan approval
Use Ira E. Weiner, Block 35.06, Lot 16 required to remove the
Variance; Esq. existing MOONEY AUTO
Variance; **(CONTINUED** REPAIR GARAGE, to
Site Plan **WITHOUT DATE)** 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 require variances.
DENIED DECEMBER 2, 2022 - COURT-ORDERED REMAND.

INSPECTION AND DECISION

1. **BARNES KORNER,** 615 Van Houten Ave. BC An expansion of the bar
Use **LLC** Block 43.02, Lot 1 & and restaurant known as
Variance; Frank A. RB2 DINGO'S DEN presently
Variances Carlet, Esq. located on the first
(CONTINUED TO floor of the property to the second floor for a
09/21/22) room for party rentals and overflow from the
first floor and a two person apartment which will
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.

CONTINUED HEARINGS

1. **BOTANY VILLAGE** 254 Dayton Avenue PD1 For preliminary and
Use **PROPERTY LLC** Block 4.18, Lot 21 final major site plan
Variance; Jason R. Tuvel, approval, use variance,
Variances Esq. bulk variance and design
(CONTINUED TO waiver/exception relief.
09/21/2022)

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 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.

2.
Use
Variances;
Variances

1128 SPRINGFIELD 635 Brighton Road M2
ASSOCIATES, LLC Block 42.16, Lot 6
Richard S.
Schkolnick, Esq.

AS AMENDED FOR 8/17/22:
For site plan approval/
amended site plan
approval, with associated
"c" and "d" variances to
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).

Please take further notice that to the extent required, applicant seeks conditional use approval for the proposed warehouse use, pursuant to Section 461-36(E), and d-3 (conditional use) variances as follows: Section 461-36(E) (2) (frontage not to be within half mile of public park/playground; existing/proposed warehouse is across the street from a park); Section 461-36(E) (3) (use not to be located within 100 feet of a residence district boundary; existing/proposed warehouse is within 100 feet of a residence district boundary); Section 461-36(E) (4) (use shall meet area, height and bulk requirements for industrial plants in an M-2 zone and shall meet off street parking, loading and unloading and buffer requirements as it pertains to industrial plants in M-2 district; proposal does not comply, though existing front yard and side yard setbacks are maintained other than for proposed building expansion).

(REVISED PLANS SENT TO COMRS.)

3. Use Variance; Variances

TFJ HAZEL LLC
Meryl A. G.
Gonchar, Esq.

252 Hazel Street & RB2
237 West 3rd Street
Block 16.11, Lots 1 & 2

AS AMENDED FOR 8/17/22:
Preliminary and Final
Major Site Plan approval,
Minor Subdivision (lot
consolidation) approval,
d(1) use variance, d(5) density variance, and bulk
("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; four (4) one
(1)-bedroom plus office/den units; twenty-six (26)
two(2)-bedroom units; and four (4) two (2)-bedroom
plus office/den units) and resident amenities
(the "Proposed Building"), along with 104 on-site
parking spaces (sixty-two (62) covered/under the
Proposed Building and forty-two (42) 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, sidewalks and walkways.

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 three (3)-story 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 three (3)-story mid-rise, multi-family residential building in the R-B2 Zone, where three (3) story 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 if required, 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 4.9 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 Requirements - 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 36.2%, 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 which 104 parking spaces satisfy RSIS requirement, which control.

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 which meets RSIS requirement which control.

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, including, but not necessarily limited to, any additional setback variances (front yard setback, rear yard setback, or side yard setbacks) that may result from an alternative interpretation of the Ordinance provisions relating to setbacks, all 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.
(REVISED PLANS SENT TO COMRS.)

CONTINUED HEARINGS

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| 1.
Variance | JAIME &
VIVIANA BORJA
Alfred V.
Acquaviva,
Esq. | 67 Hueimmer Terrace RA2
Block 64.01, Lot 17

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. |
| 2.
Variances | MIGUEL GARCIA
& ROSEANN
TEMPRA
Alfred V.
Acquaviva,
Esq. | 242 Washington Ave. RA3
Block 18.08, Lot 22

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). |

3. **522 VALLEY** 522 Valley Road Steep Preliminary and final
 Use **ESTATES LLC** Block 32.01, Lot 12 Slope major site plan
 Variance; Jason R. Tuvel, Dist. approval, use variance,
 Variances Esq. bulk variance and
(CONTINUED TO design waiver/exception relief(the "Application")
09/07/22) 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.

NEW HEARINGS

1. **WHITE CASTLE** 1325 Main Avenue B-C Applicant currently
 Use **SYSTEM, INC.** Block 11.01, Lot 17 & owns and operates a
 Variance; Jennifer M. Main single-story, 1,571 sq.
 Variances Knarich, Esq. Ave ft., 12 seat restaurant
 Price Meese Over- with a drive-thru at the
 Lay Property.
 Applicant proposes to discontinue the existing
 internal dry-storage mezzanine (a total of 583
 sf) and add a single story building addition for
 dry-storage purposes (a total of 450 sf). The
 existing mezzanine will be locked to employees
 but remain in use as roof access for service
 providers. The Applicant is also proposing to
 modernize the site with additional site
 improvements such as milling and overlaying
 the existing asphalt pavement, striping, an
 order confirmation board, a menu board, exterior
 façade improvements, and signage.
 The Applicant is seeking preliminary and final
 site plan approval, d(3) conditional use variance
 relief and other related relief. The Applicant is

seeking d(3) conditional use variance relief because the proposed modifications to the existing building slightly decrease the rear yard setback from 16.1' to 13.7'. The Applicant also seeks relief for the following:

1) Minimum Setback to Principal Building (Accessory Structure): 10' is required, 21.8' is existing, and 6.9' is proposed as a result of the addition;

2) Max Sign Area (freestanding and façade signage) 51.35 sf permitted; 134 sf proposed;

3) Maximum sign Height 2' permitted - North Façade 6.7' proposed; East Façade 6.7' proposed; Reader Board to be replaced 4' proposed.

The Applicant will also seek the Board's approval for any and all variances, exceptions, waivers, interpretations and other incidental relief that may be required or deemed necessary by the Board after or during its review of this Application, together with any further relief that may be deemed necessary by the Applicant during the

hearing process, including that which may be generated by way of revised plans and submission of same. Measurements,

percentages and other calculations provided in this notice are in accordance with the site plans filed with the Application.

Please note that to the extent plan and/or Application revisions are made during the hearing process, these measurements, percentages and other calculations will likely change as will the associated relief required per the City Ordinance. The Applicant reserves the right to amend its application accordingly.

(PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of REED BERINATO for combined side yard setback variance to erect a second floor addition at 35 Merrill Road, Block 67.04, Lot 31.

2. GRANTED the application of DEVORAH KATZ for variances for combined side yard setback and maximum lot coverage to erect a one-story rear addition at 52 Cresthill Avenue, Block 58.13, Lot 60.

3. GRANTED the application of MOSHE YEROSHALMI for front yard setback, rear yard setback, side yard setback, combined side yard setback and maximum lot coverage variances to construct a second floor addition over the existing first floor, including a covered front porch, at 101 Patricia Place, Block 71.04, Lot 7.

4. DENIED the application of ALMA BILLINGS for use variance to convert a two-family to a three-family dwelling by adding a level at 66 Scoles Avenue, Block 50.04, Lot 58.

5. GRANTED the application of PETRA GARDEN, LLC for preliminary and final site plan approval, use variance for two principal uses on one lot, use variance for residential use in B-A zone, use variance for multi-family residential use and day care use in RB1 zone; and variances for front yard setback, side yard setback, lot coverage, maximum building height, LED lighting, parking stall size, drive aisles distance from side property line, parking areas distance from rear property line, parking area in front yard, and parking area in commercial district accessed from residential district to keep the existing one-story building utilized as a day care in place and erect a 21-unit 2½ story multi-family dwelling at 62-66 Mt. Prospect Avenue, Block 36.01, Lot 11.01.

6. GRANTED the application of DANIEL & MARGARITA KATZEVICH for a ninety (90) day extension of the conditional use variance approval to utilize the property for a flex-industrial building with warehousing distribution, contractor storage, and manufacturing and office use at 13 Somerset Place, Block 56.07, Lot 11.02, to November 15, 2022.