

AGENDA  
**ZONING BOARD OF ADJUSTMENT**  
**CITY OF CLIFTON**  
**September 7, 2022**  
**7 P.M. REGULAR MEETING**

Please take notice that formal action may be taken on the following applications at the Regular Meeting on September 7, 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. Use Variance;  
Variances

**BOTANY VILLAGE** 254 Dayton Avenue  
**PROPERTY LLC** Block 4.18, Lot 21  
Jason R. Tuvel,  
Esq.  
**(CONTINUED TO**  
**09/21/2022)**

PD1 For preliminary and final major site plan approval, use variance, bulk variance and design waiver/exception relief.

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  
Variance;  
Variances

**TFJ HAZEL LLC**  
Meryl A. G.  
Gonchar, Esq.  
**(CONTINUED TO  
10/19/2022)**

252 Hazel Street & RB2  
237 West 3<sup>rd</sup> 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 7<sup>th</sup> Avenue and a full-  
movement driveway at the intersection of 7<sup>th</sup>  
Avenue and West 4<sup>th</sup> 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.)

3. **JAIME & VIVIANA BORJA** Alfred V. Acquaviva, Esq. 67 Huemmer 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.
4. **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.

**NEW HEARINGS**

- |                 |   |   |     |  |
|-----------------|---|---|-----|--|
| 1.<br>Variance  | <b>HARRY &amp; CAROL<br/>CONWAY</b>                   | 101 Abbe Lane<br>Block 33.09, Lot 32    | RA2 | Applicant is proposing a 6' solid fence along the rear property line where 5' solid is permitted.<br>(PLANS SENT TO COMRS)   |
| 2.<br>Variance  | <b>KATHARINA<br/>TAKACS &amp;<br/>MICHAEL BURNETT</b> | 105 Abbe Lane<br>Block 33.09, Lot 31    | RA2 | Applicant is proposing a 6' solid fence along the rear yard where 5' solid is permitted.<br>(PLANS SENT TO COMRS)  |
| 3.<br>Variance  | <b>PERRY LIGHTY</b>                                   | 4 Henoah Avenue<br>Block 32.08, Lot 17  | RA3 | Applicant is proposing a 6' solid fence in the rear yard where 5' solid is permitted.<br>(PLANS SENT TO COMRS)   |
| 4.<br>Variances | <b>MATTISYAHU &amp;<br/>DINA GLUCK</b>                | 450 Fenlon Blvd.<br>Block 58.09, Lot 20 | RA3 | Applicant is proposing an addition over existing footprint that requires the following variances:<br>1) Side yard setbacks proposed at 9.81' and 4.87' where 6' and 10' is required.<br>2) Combined yard setback proposed at 14.68' where 16' is required. (PLANS SENT TO COMRS)   |
| 5.<br>Variances | <b>JOSH &amp; ANNA<br/>GOPIN</b>                      | 50 Lenox Ave.<br>Block 70.01, Lot 62    | RA3 | Applicant is proposing a second-floor addition where the following variances are being requested:<br>1) Side yard setback proposed at 4.93' where 6' is required.<br>2) Combined yard setback proposed at 12.49' where 16' is required. (PLANS SENT TO COMRS)                      |
| 6.<br>Variances | <b>KENJI YAMASHITA</b>                                | 443 Grove Street<br>Block 45.02, Lot 74 | RA1 | Applicant is proposing an enclosed vestibule that requires the following variances:<br>1) Front yard setback proposed at 27.62' where 35' is required.<br>2) A free standing wall is being proposed at a height of 5' extending from the vestibule to the driveway.<br>(CONTINUED) |

3) They are also requesting a 6' solid fence along the left side of the house and in portions of the rear yard where 4' 50% open and 5' is required. (PLANS SENT TO COMRS)

7.  
Variances

**DAVID HECHING**

11 (13) Loumar Place RA3  
Block 57.06, Lot 13

Applicant is proposing to partially rebuild and enlarge second floor where the following variance is being requested:

- 1) Combined side yard setback of 13.3' where 16' is required.
- 2) An additional variance is being requested for converting the rear portion of the garage into finished living space. In doing this, a parking variance will also be required since the conversion eliminates one required parking space where two parking spaces is required. (PLANS SENT TO COMRS)

8.  
Variances  
Use  
Variance

**NEW TRIMBLE  
AUTO BODY**

217 Trimble Avenue BC  
Block 6.19, Lot 1  
Dominic Iannarella, Esq.

The applicant is proposing a use variance to use this property as an extension of the

- autobody use at 214 Trimble Avenue and to renovate this property to that end. The applicant requests the following variances:
- 1) minimum lot coverage proposed at 69.7% where 60% is required;
  - 2) two stories proposed where 1 story required;
  - 3) rear yard proposed at 3' where 10' is required;
  - 4) street side yard (Trenton Ave.) proposed at .57' where 5' is required;
  - 5) front yard (Trimble Ave.) proposed at 1.20' where 5' is required.
  - 6) Also requesting a parking variance as may be required. (PLANS SENT TO COMRS)

#### RESOLUTIONS

1. GRANTED the application of 1128 SPRINGFIELD ASSOCIATES, LLC for preliminary and final site plan approval with associated "c" and "d" variances for three one-story building additions for warehouse use and office use at 635 Brighton Road, Block 42.16, Lot 6.

2. GRANTED the application of MIGUEL GARCIA & ROSEANN TEMPRA for variances for maximum building coverage, side yard setback, combined side yard setback, and street side yard setback for second floor addition and multiple interior renovations to the first floor at 242 Washington Avenue, Block 18.08, Lot 22.

3. GRANTED the application of WHITE CASTLE SYSTEM, INC. for preliminary and final site plan approval with associated "c" and "d" variances to construct a one-story dry storage building addition with improvements to the parking area, internal restaurant modifications, drive-through display, and building signage at 1325 Main Avenue, Block 11.01, Lot 17.