

AGENDA

**BOARD OF ADJUSTMENT
CITY OF CLIFTON
September 18, 2019
7 P.M. REGULAR MEETING**

Please take notice that formal action may be taken on the following applications on September 18, 2019.

PLEDGE OF ALLEGIANCE
CONTINUED HEARING

1. **KHAL PARK AVE.** 219 Rutherford Blvd. M-2 Applicant seeks to
Use **LLC** Block 60.07, Lot 1 utilize the second
Variance Glenn Peterson, floor of an
Esq. existing two-story
(Continued to office building as
10/02/2019) a meeting room for
prayer services.
No change will be made to the exterior of the premises. Room will only be used on weekends and religious holidays. A use variance is required for a house of worship in an M-2 zone and for two uses on one lot. 18 parking spaces required and none provided. Together with any other relief as the Board deems necessary and proper.

NEW HEARINGS

1. **MARY ANN VIOLA** 32 Maple Hill Road RA3 Applicant proposes
Variance Block 38.05, Lot 50 to build a second
floor addition over
the existing home.
A variance is requested for a 5' separation between the house and garage where 10' is required. (PLANS SENT TO COMRS.)
2. **ERNEST TEDESCO** 25 Grunwald Street RB1 Applicant proposes
Variance Block 37.03, Lot 42 to convert a
building containing
a tavern and a
second floor apart-
ment to a two-
family dwelling.
The tavern will be eliminated. Variances are requested for the existing left side yard setback at 0.7' where 12' is required and front yard setback at 1.3' where 25' is required. A new mid-level rear deck and access stair which follows the existing left side yard at 0.7' where 12' is required is also proposed.
(PLANS SENT TO COMRS.)
3. **ABED ABDELRAHMAN** 269 Union Avenue RA3 Applicant proposes
Variances Block 18.16, Lot 11 to build a garage
that is extended by
4 feet. The
following variances
are requested:

- 1) Garage proposed at 338 square feet where 300 square feet is permitted.
- 2) Garage addition is 2.81' from the left side lot line where 5' is required. (PLANS SENT TO COMRS.)

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| 4. Variance | JED SKILLINS | 168 Abbe Lane Block 33.05, Lot 16 | RA3 | Applicant proposes to convert the existing attached garage to living space and expand the driveway farther to the left in front of the home. A variance is required for a driveway in front of the home not serving a garage. (PLANS SENT TO COMRS.) |
| 5. Use Variance; Variances | GS AUTOPLEX, LLC d/b/a GARDEN STATE HONDA | 313 Allwood Road Block 80.01, Lot 11.02 | PD-HC | For a use variance to expand the existing new and used car dealership building and bulk variances for pylon sign height (20 feet permitted, 28 feet existing and 30 feet proposed) and lighting type (high pressure sodium required and color temperature kelvin proposed). (PLANS SENT TO COMRS.) |
| 6. Use Variance; Variance | FRANK KOBLE (Deficient Notice) | 305 Luddington Ave. Block 19.12, Lot 1 | RA3 | Applicant proposes to install an exterior door into the basement. Basement has an existing legal bathroom. The following variances are requested: 1) A use variance for a bathroom in the basement with access to the exterior. 2) Right side yard proposed at 0.8 ft., where 10 ft. is required (Roof over proposed basement stair). (PLANS SENT TO COMRS.) |
| 7. Use Variance; Variances | PB NUTCLIF MASTER, LLC | 340 Kingsland Street Block 80.02, Lot 1.01 | M-3 | Amended preliminary and Final Site Plan approval to construct private roadways for internal circulation and to provide access to a parking garage previously approved and under construction located, in part, on a portion of Block 80.02, Lot 1.01 in the City of Clifton and partially on a portion of Block 200, Lot 1 in the Township of Nutley. The Premises are a portion of the former Hoffman-LaRoche ("HLR") campus comprising approximately 116 acres, now known as "ON3," located in the City of Clifton (Passaic County), and Township of Nutley (Essex County). 340 Kingsland Street was sometimes |

used as the street address for the HLR campus, and currently, for ON3. Block 80.02, Lot 1.01 in Clifton ("the Premises") are located in the M-3 zoning district. On November 7, 2018, the Board adopted a resolution memorializing its October 24, 2018 approval of Preliminary and Final Subdivision approval to create three (3) new tax lots and one remainder lot from existing Block 80.02, Lot 1.01 and Preliminary and Final Site Plan approvals:

(a) to construct a portion of a seven (7) level, +/- 2,566 parking space garage of which approximately 570 parking spaces will be located in the City of Clifton ("Clifton") on approved Lot "B," one of the new tax lots to be created from existing Block 80.02, Lot 1.01, and

(b) to construct a 12 ft. high decorative screening wall on approved Lot "C" (the "2018 Approvals").

The balance of the parking garage, located in the Township of Nutley ("Nutley"), was granted site plan approval by the Planning Board of the Township of Nutley. The parking garage is to provide parking for 100 Metro Boulevard, located in Nutley (formerly known as Building 1 on the HLR campus) and 200 Metro Boulevard (formerly known as Building 76 on the HLR campus). 200 Metro Boulevard is located partially in Nutley and partially in Clifton (on approved Lot "D" as identified in the 2018 Approvals). The intent and effect of the 2018 Approvals was to allow the portion of the proposed parking garage located in Clifton to be located on a separate tax lot (Lot "B" on the plans) and the portion of 200 Metro Boulevard located in Clifton to be located on a separate tax lot (Lot "D"). The existing cooling towers and support utility building also will be located on a separate tax lot (Lot "C"). The remainder lot, consisting of +/- 17.27 acres, is improved with a co-generation facility and various utility and related structures which currently are proposed to remain.

The proposed private roadways in Clifton that are the subject of this pending amended application, identified as "Prism Way" and "Road "D," are located on portions of the remainder lot and proposed Road "H" is located partially on approved Lot "C" and partially on the remainder lot.

Portions of Roads "D" and "H" located in Nutley have been approved. The 2018 Approvals also granted use variances from 461-13.1.0. (which references Section 461-13.1.N.) of the Code of the City of Clifton, Chapter 461 - Zoning (the "Ordinance"), pursuant to N.J.S.A. 40:55D-70(d), to permit the parking garage which use is not a permitted principal or accessory use in the M-3 zone, to permit the continuing office use of the portion of 200 Metro Boulevard located in Clifton and the continuing cooling towers use. The Applicant is currently seeking a variance from 461-13.1.0 (which references Section 461-13.1.N) of the Ordinance, pursuant to N.J.S.A. 40:55D-70(d) to permit the proposed private roadways which use is not an expressly permitted principal or accessory use in the M-3 zone. The 2018 Approvals also granted numerous bulk variances from the Ordinance, pursuant to N.J.S.A. 40:55D-70(c), regarding the new lots and the remainder lot. The variance from Ordinance Section 461-13, Attachment 3, "Schedule of Regulations as to Bulk, Height and Other Requirements Industrial Zones," previously granted to permit 93.7% impervious coverage on the remainder lot where a maximum 40% impervious coverage is permitted, is being reduced to 92.69% by the pending amended application. The Applicant is seeking such additional or other variances, exceptions, approvals, permits, waivers or relief from the Ordinance, including waivers of design standards and/or submission requirements, as may be determined to be necessary to develop the Premises in the manner indicated in the application, plans and materials. (PLANS IN BIN)

RESOLUTIONS

1. GRANTED the application of CLIFTON IL, LLC for use and bulk variances and site plan approval for construction of 31 unit garden apartment development limited to residents 62 years of age and older at 782 & 784 Valley Road, Block 44.01, Lots 14 and 11. RA1

2. GRANTED the application of CLIFTON IL, LLC for use variance to permit parking of a trailer on Lot 14 in Block 44.01 to process application for admission to said assisted living facility until April 30, 2020 at 784 & 784 Valley Road, Block 44.01, Lots 14 and 11. RA1

3. GRANTED the application of ERIC POLICASTRO for bulk variances for a rear deck at 102 Huron Avenue, Block 42.13, Lot 5. RB1

4. GRANTED the application of EDGAR TORRES for a rear yard setback variance for a rear single-story addition at 20 Spencer Avenue, Block 42.04, Lot 12. RB2

5. GRANTED the application of BAKER ASSAF for variance to install a 5-foot-high solid fence with an additional 1-foot-high open lattice fence along the street side and back of the property at 93 DeMott Avenue, Block 12.19, Lot 1. RB1

6. GRANTED the application of MARIA ARNONE for conditional use variance, use variance, and bulk and parking variances for a take-out Herb-A-Life restaurant at 1074 Main Avenue, Unit 1074A, Block 8.02, Lot 1. BC

7. GRANTED the application of MUBEEN RANA for use variances and bulk variances to add take-out food to an existing retail grocery store at 573-575 Clifton Avenue, Block 20.12, Lot 8. B-A1