

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
September 21, 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 21, 2022.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

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| 1.
Use
Variance;
Variance;
Site Plan | JOHN RADER
Ira E. Weiner,
Esq.
(CONTINUED
WITHOUT DATE) | 817-825 Clifton Ave. B-C Site plan approval
Block 35.06, Lot 16 required to remove the
existing MOONEY AUTO
REPAIR GARAGE, to
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. |
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INSPECTION AND DECISION

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| 1.
Use
Variance;
Variances | BARNES KORNER,
LLC
Frank A.
Carlet, Esq. | 615 Van Houten Ave. BC An expansion of the bar
Block 43.02, Lot 1 & and restaurant known as
RB2 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
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. |
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CONTINUED HEARINGS

1. Use Variance; Variances	BOTANY VILLAGE PROPERTY LLC Jason R. Tuvel, Esq.	254 Dayton Avenue Block 4.18, Lot 21	PD1	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.

2.
Use
Variance;
Variances

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

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.

3.
Variance

**JAIME &
VIVIANA BORJA**
Alfred V.
Acquaviva,
Esq.
**(CONTINUED TO
11/02/22)**

67 Huemmer Terrace RA2 Applicant is seeking
Block 64.01, Lot 17 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.
Use
Variance;
Variances

**522 VALLEY
ESTATES LLC**
Jason R. Tuvel,
Esq.
**(CONTINUED TO
10/19/22)**

522 Valley Road Steep Preliminary and final
Block 32.01, Lot 12 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

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| <p>1.
Use
Variance;
Variances</p> | <p>1041 PAULISON LLC
Dominic Iannarella, Esq.</p> | <p>1041 Paulison Ave. M1
Block 19.03, Lot 8</p> | <p>Applicant is proposing to use this property as an auto accessory installation premises consisting of two bays for which a vehicle would remain for multiple days receiving installation of auto accessories. The applicant requests the following variances:
 1) Use variance for the proposed use;
 2) A variance for the left side yard where 5.1 ft. is provided and 10 ft. is required.
 3) A variance for parking as may be required.
 4) A variance for parking space setbacks.</p> |
| <p>2.
Use
Variance;
Variances</p> | <p>MJG-MAR REALTY LLC
Frank A. Carlet, Esq.</p> | <p>42 Lakeview Ave. BC
Block 7.05, Lot 70</p> | <p>This is an application for a Use Variance to permit use of the former GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts, retail and wholesale. The sale at wholesale is a use not permitted in the B-C zone. It is also an application for bulk variances to permit the continuation of bulk variances as follows:
 1) Front yard setback (20 feet required; 0 feet existing and proposed);
 2) Side yard setback (20 feet required; 7.1 feet existing and proposed);
 3) Rear yard setback (15 feet required; 0 feet existing and proposed);
 4) Lot coverage (60% required; excess of 60% is existing and proposed);
 5) Off street parking or loading spaces, parking aisles, maneuvering areas not to be located within 10 feet of any rear lot line or within 5 feet of any other lot line and adequately landscaped. Existing and proposed conditions do not conform to these requirements, but some landscaping is proposed; 1 loading space required (no loading spaces are existing or proposed).
 6) Variances required because 6 parking spaces are required for warehouse use only and are provided, but 5 parking spaces are required for retail use and none are provided.</p> |

3.
Use
Variance;

**WALBRI
PROPERTIES, LLC**
Gary Cohen,
Esq.

3-7 Walnut Street M2 An Application for
Block 37.04, Lots 9 development has been
and 13 submitted for property
located at
3-7 Walnut Street, Clifton, NJ; and also located
at 9-11 Walnut Street, City of Passaic, NJ,
Block 3245.03, Lot 10, Zone designation as C.

The purpose of the Application and the Project is for the development of the property is to combine the use of all 3 lots, to demolish the old pavement on the properties, and to construct a new 7,442 square foot 1 story 33.6 foot height commercial flex multi-tenant warehouse building on what is currently identified as Lot 9 and part of Lot 13, with 9 parking spaces, including 1 handicapped space on the remaining part of Lot 13 and on Lot 10.

The application in question requires the following approval/relief from the City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance:

Variances for:

- 1) Front yard where 20 feet is required and 3 feet is proposed;
- 2) Side yard where 16.8 feet is required and 4 feet is proposed;
- 3) Rear yard where 40 feet is required and 4 feet is proposed;
- 4) Parking area setback where 5 feet is required and 0.3 feet is proposed;
- 5) A variance from the terms of City of Clifton Ordinance Code 461-36 E 3&4 which provides that warehouses shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and the use shall meet the area, height and bulk requirement for industrial plants in an M-2 District and shall meet the off-street parking, loading and unloading and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District;
- 6) For site plan approval; and
- 7) Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:

- Variances for 1] For site plan approval; and
2] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

RESOLUTIONS

1. GRANTED the application of HARRY & CAROL CONWAY for variance to erect a 6-foot-high solid fence along the rear property line at 101 Abbe Lane, Block 33.09, Lot 32.
2. GRANTED the application of KATHARINA TAKACS & MICHAEL BURNETT for variance to erect a 6-foot-high solid fence along the rear yard at 105 Abbe Lane, Block 33.09, Lot 31.
3. GRANTED the application of PERRY LIGHTY for variance to erect a 5-foot-high solid fence with 1-foot-high lattice on top, for a total of 6 feet, along the three sides in the rear of the property at 4 Henoch Avenue, Block 32.08, Lot 17.
4. GRANTED the application of MATTISYAHU & DINA GLUCK for variances for side yard setbacks and combined side yard setback to erect a second floor addition at 450 Fenlon Blvd., Block 58.09, Lot 20.
5. GRANTED the application of JOSH & ANNA GOPIN for variances for side yard setback and combined yard setback to erect a second floor addition at 50 Lenox Avenue, Block 70.01, Lot 62.
6. GRANTED the application of KENJI YAMASHITA for front yard setback to enclose front vestibule, variance to extend 5-foot-high free-standing wall from vestibule to the driveway, and variance to erect a 5-foot-high solid fence with a 1-foot-high lattice on top, for a total of 6 feet, in the rear of the premises, at 443 Grove Street, Block 45.02, Lot 74.
7. GRANTED the application of DAVID HECHING for variances for combined side yard setback to partially rebuild and enlarge the second floor; conversion of rear portion of garage to living space; and parking variance at 11 (13) Loumar Place, Block 57.06, Lot 13.
8. GRANTED the application of NEW TRIMBLE AUTO BODY for preliminary and final site plan approval with associated "d(2)" and "c" variances for construction of a first and second floor addition for an autobody facility at 217 Trimble Avenue, Block 6.19, Lot 1.