

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
October 5, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on October 5, 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
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.

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.
11/02/2022)

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
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.

5. **1041 PAULISON LLC** 1041 Paulison Ave. M1 Applicant is proposing
 Use **LLC** Block 19.03, Lot 8 to use this property as
 Variance; Dominic an auto accessory
 Variances Iannarella, Esq. installation premises
(CONTINUED TO consisting of two bays
10/19/2022) 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.

6. **MJG-MAR REALTY, LLC** 42 Lakeview Ave. BC This is an application
 Use **LLC** Block 7.05, Lot 70 for a Use Variance to
 Variance; Frank A. Carlet, permit use of the
 Variances Esq. former GARDEN PLAZA
(CONTINUED TO BOWLING ALLEY for a
11/02/2022) 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.

7. Use Variance; Variances	WALBRI PROPERTIES, LLC Gary Cohen, Esq. (CONTINUED TO 11/16/2022)	3-7 Walnut Street M2 Block 37.04, Lots 9 and 13 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.	An Application for development has been submitted for property located at
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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:

- 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.

NEW HEARINGS

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| 1.
Use
Variance;
Variance | PORTUGESE
TAVERN
STEAK HOUSE
CORP. | 503 Crooks Avenue
Block 9.03, Lot 8 | M-2 | Applicant is proposing to expand the take-out space and modernize the kitchen area as well as build two new bathrooms which is an expansion of a nonconforming use. Also requested is a parking variance for 22 parking spaces existing where 70 parking spaces are required.
(PLANS SENT TO COMRS.) |
| 2.
Variance | LASZLO NOVAK | 144 Orchard Drive
Block 78.01, Lot 54 | RA3 | Applicant is proposing a 6' solid fence in the rear of the home along the left side of the property where a 5' solid is permitted by code.
(PLANS SENT TO COMRS.) |
| 3.
Variance | LINDA SILUK | 93 Sherwood Street
Block 25.06, Lot 5 | RA3 | Applicant is proposing a deck in the backyard where a rear yard setback is proposed at 30' where 35' is required.
(PLANS SENT TO COMRS.) |
| 4.
Variance | DWAYNE FRANCIS
& JANELLE
NICHOLAS-FRANCIS | 10 West 7 th Street
Block 16.15, Lot 18 | RB1 | Applicant is proposing a rear addition that has a rear yard setback being proposed at 28' where 35' is required.
(PLANS SENT TO COMRS.) |
| 5.
Variances | JOSEPH SIA | 669 Broad Street
Block 34.05, Lot 21 | RA3 | Applicant is proposing a new one-story addition to replace an open porch which is an expansion of a nonconforming use and also requires the following variances:
1) Side yard setback proposed at 5.65' where 6' is required;
2) Rear yard setback proposed at 15.29' where 35' is required. (PLANS SENT TO COMRS.) |

6. **KIMBERLY DUNHAM** 132 Friar Lane RA2 Applicant is proposing a
 Variances Block 46.03, Lot 28 new second floor
 addition which requires
 the following variances:
 1) Front yard setback proposed at 23.66' where
 30' is required;
 2) Side yard setback proposed at 5' where 6' is
 required;
 3) Combined yard setback proposed at 10' where
 16' is required. (PLANS SENT TO COMRS.)
7. **GITTY IDELS** 140 South Parkway RA3 Applicant is proposing
 Variances Glenn Peterson, Block 60.04, Lot 5 to add a second story
 Esq. addition to the existing
 single family home and
 requires the following
 variances:
 1) Front yard setback proposed at 24.1' where 25'
 is required;
 2) Rear yard setback proposed at 25.9' where 35'
 is required;
 3) Total lot coverage proposed at 32% where only
 a maximum of 27% is permitted.
 (PLANS SENT TO COMRS.)
8. **JOEL OCHOA** 99 Larkspur Lane R3A Site Plan Approval
 Variance Douglas M. Block 40.05, Lot 48 seeking variance relief
 Angoff, Esq. for enlarging the second
 story of his residential
 dwelling as the addition
 will intrude into the
 rear yard setback.
 The plan shows a rear yard setback at the corner
 of the extension of 12 feet where 35 feet is
 required. In addition to the above, Applicant
 requests that the application be deemed amended
 to include any additional approvals, variances,
 exceptions or waivers determined to be necessary
 in the review or processing of this application,
 whether requested by the Board or otherwise.
 (PLANS SENT TO COMRS.)
9. **EMB 561 LLC** 561 Van Houten Ave. BC Preliminary and Final
 Use John A. Conte, Block 43.04, Lot 8 site plan approval; use
 Variance; Jr., Esq. variance approval; bulk
 Variances variances from Section
 461-13 for pre-existing non-conformities
 consisting of minimum front yard and minimum side
 yard/each, which none of the pre-existing
 non-conformities are being increased or changed;
 and any other variance, waiver, or other relief,
 if necessary, from the requirements of the
 Clifton Zoning code to permit the Applicant to
 convert the existing mixed use building into a
 multi-family apartment dwelling consisting of
 2 one-bedroom apartments on the first floor and
 4 two-bedroom apartments on the second floor.
 (PLANS SENT TO COMRS.)

10.
Variances

KEN LOWY

60 Lehigh Avenue
Block 70.03, Lot 54

RA3

Applicant is proposing
a second floor addition
over the existing
footprint which requires
the following variances:

- 1) Front yard setback proposed at 23.8' where 25' is required;
- 2) Side yard setbacks proposed at 4.5' & 5.5' where a minimum of 6' & 10' is required;
- 3) Combined yard setback proposed at 10' where 16' is required;
- 4) Maximum lot coverage proposed at 28.74% where a maximum of 27% is required.
(PLANS SENT TO COMRS.)

RESOLUTIONS

NONE.

ADOPTION OF MINUTES

- a. Minutes of regular meeting of September 21, 2022;
- b. Minutes of special meeting of September 28, 2022.