

Minutes of a special meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, June 22, 2022. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matter set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS GEORGE SILVA, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS URI JASKIEL, ZALMAN GURKOV, AND LOUIS DE STEFANO.

Chrmn Zecchino advised the applicant that the testimony given before the Board was being tape recorded. The applicant was further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

NEW HEARING

1. **TFJ HAZEL LLC, 252 Hazel Street & 237 West 3rd Street – Block 16.11, Lots 1 & 2 -- RB2 – Preliminary and Final**
Use Variance; Major Site Plan approval, Minor Variances 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; thirty-four (34), two (2)-bedroom units) and resident amenities (the "Proposed Building"), along with 104 on-site parking spaces (seventy-six (76) covered/under the Proposed Building and twenty-eight (28) 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, and walkways/sidewalks.

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 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 mid-rise, multi-family residential building in the R-B2 Zone, where 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/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 4.7 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 43.4%, 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 not under RSIS which controls.

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 not under RSIS which controls.

While the Applicant believes that except as stated above, the application is in conformance with the Ordinance, the Applicant recognizes that the Property has multiple street frontages along Hazel Street, West Third Street, Seventh Avenue, West Fourth Street, and the Garden State Parkway, and it may be determined during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing, that the Property has multiple front yards. In the event that it is determined that the Property has multiple front yards, the application may require additional variances from the Ordinance for minimum front

yard setback (minimum of 25 feet required), minimum rear yard setback (minimum of 40 feet required), and/or minimum side yard setback (each, minimum of 20 feet required; combined/both, minimum of 40 feet required). If it is determined that the application requires such additional minimum front yard setback(s), minimum rear yard setback(s), and/or minimum side yard setback(s) the Applicant is hereby requesting same as part of the application.

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 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.

Meryl A. G. Gonchar, Esq., of Sills Cummis & Gross P.C., with offices at One Riverfront Plaza, Newark, New Jersey; and Frank A. Carlet, Esq., of Carlet Garrison Klein & Zaretsky, with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared as co-counsel on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Frank J. Minervini, AIA, MVMK Architecture, 360 14th Street, Hoboken, New Jersey, architect; Matthew Zwingraf of CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey, civil engineer; and Matthew J. Seckler, PE, PP, PTOE, of Stonefield Engineering, 92 Park Avenue, Rutherford, New Jersey, traffic engineer.

Also present were the following objectors: Annette & Per Karlsson, 31 Jerome Drive; Glenn Bedford, 23 Louis Dr.; Ed MacDonald and Isabelle MacDonald, 38 Edward Court; Len and Eileen Wiczerzak, 38 Florence Drive; Bernice and Antony Griffo, 61 Edward Ct.; Marge Hreha, 57 Edward Ct.; Norma Vitale, Rugiero Vitale and Rebecca Vitale, 15 Louis Drive; Alioune Sonko, 217 West 3rd Street; Estrellita Montiel, 232 West 4th Street; and Sylvia Martinez, 46 Florence Drive; all of the City of Clifton, New Jersey.

This is a continued hearing from the matter of May 11, 2022.

Ms. Gonchar stated that the applicant appeared before the Board on May 11, 2022, with a four-story building-containing 60 dwellings; that the applicant revised the plans to propose a three-story building with 54 dwellings; that the applicant eliminated the need for an off-street parking variance; that the following changes were made:

a. The proposed building height has been reduced from 44.2 feet to 32.8 feet; the previously requested "d" height variance has been eliminated as the proposed building is now below the RB2 zone's maximum building height limitation of 35 feet;

b. The proposed building's height has been reduced from four stories to three stories, and the previously requested "c" height variance has been eliminated as the RB2 zone permits 3-story buildings;

c. The number of proposed dwelling units has been reduced from 60 units to 54 units;

d. 104 spaces (76 covered spaces and 28 surface spaces); the previously requested parking variance has been eliminated; that the project now meets the Residential Site Improvement Standards (RSIS), N.J.A.C., 5:21-4.14, requirement without taking credit for any reduction in overall parking demand as authorized by the Electric Vehicle Supply/Service (EVSE) and Make-Ready legislation, P.L. 2021, c.171;

e. All proposed electric vehicle/make-ready spaces are proposed within the covered parking area, which will not be generally accessible to the public;

f. The previously proposed refuse enclosure and associated dumpster have been eliminated; a new "trash" room and "trash room/compactor" are proposed on the ground floor, within the proposed building;

g. The previously proposed loading space has been eliminated and replaced with a 50-foot by 18-foot loading area along the easterly side of the proposed building that will adequately accommodate all proposed building operations, including, tenant move-ins/move-outs, deliveries, and refuse removal;

h. The previously proposed emergency vehicle access from Hazel Street (CR702) has been eliminated as the proposed driveways/drive aisles have been designed, in consultation with the City of Clifton Fire Marshal, to accommodate emergency vehicles;

i. The previously proposed stormwater management design has been modified in response to the Board engineer's comments and on-site stormwater detention has been provided to address stormwater quantity reductions.

Ms. Gonchar further stated that the applicant is requesting preliminary and final major site plan approval; minor subdivision (lot consolidation) approval; d(1) use variance; d(5) density variance; and bulk ("c") relief; that the property is identified on the tax maps of the City of Clifton as Block 16.11, Lots 1 and 2 and commonly known as 252 Hazel Street and 237 West 3rd Street. 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; that the property is located in the RB2 (Residential, One- and Two-Family Residential) Zone District; that 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; that the proposed building will contain 20 – 1 bedroom dwellings and 34 – 2 bedroom dwellings, of which 40 dwellings will have a den without a door; that the additional proposed site improvements include, but are not necessarily limited to, a refuse enclosure, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, and walkways/sidewalks.; that the RB2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the "R-B2 Zone"), does not permit mid-rise, multi-family residential buildings; that the first/ground floor will contain parking, building lobby, elevator, mail room, package room, resident amenity space, trash room/ compactor, bicycle storage room, and generator/mechanical room; that the first through third floors will contain: 1st floor, 0 dwellings; 2nd floor, 27 dwellings, and 3rd floor, 27 dwellings.

Ms. Gonchar further stated that the following use variances are requested:

1. D1 use variance to permit a 3-story mid-rise multi-family building in an RB2 zone;
2. D5 use variance to permit a lot area dwelling unit of 1,393.6 square feet where 3,351 square feet is required.

Ms. Gonchar stated that the following bulk variances are requested:

1. Rear yard setback 4.7 feet proposed, 40 feet required;
2. Side yard setback 12 feet proposed, 20 feet required;
3. Combined side yard setback 33.6 feet and 21.6 feet proposed, 40 feet required;
4. Lot coverage 43.4 percent proposed, 25 percent permitted; and
5. Permit LED lighting fixtures where high-pressure sodium vapor lights are required.

The Board is in receipt of reports from Niglia Engineering dated May 2, 2022, revised June 17, 2022; Graviano & Gillis dated June 20, 2022; Clifton Fire Prevention Bureau dated May 9, 2022, and June 23, 2022.

Frank J. Minervini testified as an architect and walked the Board through plans he prepared dated June 10, 2022, showing the first floor plan, the second floor plan, the typical unit layout of one-bedroom, two-bedroom, one-bedroom plus a den, and two-bedroom plus a den, roof plan, south elevation Seventh Avenue, east (West Third Street) and west elevation (Garden State Parkway), north elevation (Hazel Street), material board, and panel detail.

Marked into evidence as "A-4" were four photographs of the exterior, front area, Sheets 1, 2, 3, and 4.

There were a number of objectors that were concerned with the entrance and exit from the site and aesthetic appearance of the building in the neighborhood.

Matthew Seckler testified as a traffic expert and stated that he prepared a report dated April 20, 2022, which was revised June 10, 2022; that the report documents existing roadway conditions, existing transit service, existing traffic volumes, and existing level of service capacity analysis; that he gave further testimony concerning the projected traffic volumes to a future date of 2024; that there are no other planned development projects in the neighborhood; that a level of service and volume capacity analysis was conducted for the 2024 for no build condition; that the 2024 build condition projects two years of potential traffic impacts; that trip generation studies were conducted as well as traffic volumes and level of service volume capacity proposed to 2024; that a site circulation and parking supply study was conducted; that vehicular access is proposed by one full-movement driveway along Seventh Avenue and one full-movement driveway along West Fourth Street and one driveway along Hazel Street for emergency vehicle access; that the site will provide 104 total parking spaces inclusive of 76 covered spaces and 28 surface spaces; that the non-ADA spaces would be 9 feet by 19 feet in accordance with the requirements of the zone ordinance; that the proposed parking supply of 104 spaces is sufficient to support the expected parking demand of the project; that in his opinion, the proposed development will not have any significant impact on the traffic operations of the adjacent roadway; that the site driveways and on-site layout have been designed to provide for effective access to and from the subject property; that based upon the local characteristics of the site and surrounding area, and published Institute of Transportation Engineers parking demand rates, the parking supply would be sufficient to support the project.

Offered into evidence as "O-1" is a photograph of the site and surrounding area and existing factory. Several objectors questioned the number of parking spaces as well as the potential traffic congestion on adjacent streets.

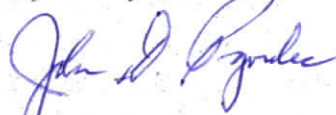
Matthew Zwingraf testified as an engineer and offered into evidence as "A-5" an exhibit entitled, "Preliminary and Final Major Site Plan," Block 16.11, Lots 1 and 2, 252 Hazel Street and 237 West Third Street; that said lots will be consolidated; that the existing lots will be consolidated to form a new lot consisting of 75,252 square feet and the existing improvements will be removed; that the property is in an RB2 residential one- and two-family and garden apartment zone district which does not permit mid-rise multi-family residential buildings.

Mr. Zwingraf continued to testify that additional site plan improvements include an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, directional wayfinding signage, building identification, monument signage, paving and striping, curbing and walkways and sidewalks.

At this point in the hearing, continued the matter until the August 17, 2022 regular meeting of the Board.

Comr George Foukas moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "John D. Pogorelec".

JOHN D. POGORELEC
COUNSEL SECRETARY