

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
April 20, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on April 20, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1.
Prelim. &
Final Major
Site Plan

BOTANY VILLAGE 254 Dayton Avenue PD1 For preliminary and
PROPERTY LLC Block 4.18, Lot 21 final major site plan
Jason R. Tuvel, approval, use variance,
Esq. bulk variance and design
(CONTINUED TO waiver/exception relief.
MAY 4, 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 mixed-use building consisting of six (6) residential dwelling units within three (3) stories above ground floor commercial (restaurant/tavern) space and 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 and a height variance pursuant to N.J.S.A. 40:55D-70(d)(6) for building height greater than permitted (30 ft. permitted; 40 ft. proposed). To the extent necessary, Applicant seeks a parking variance for providing less than required number of parking spaces and seeks a conditional use approval or conditional use variance for not providing parking on the same lot as the principal use/principal structure. The Applicant further seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) with respect to (1) front yard setback less than required (15 ft. required; 0.37 ft. proposed); and (2) number of building stories greater than permitted (2 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 approval 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
Variances;
Variances

EMPIRE REALTY MANAGEMENT CORP. 94-96 Market Street B-C Block 68.03, Lot 43
Frank A. Carlet,
Esq.

(CONTINUED TO
MAY 4, 2022)

An approval to demolish the ALLWOOD THEATER and replace it with three additional new retail stores abutting the existing retail stores on Market Street and, in the rear, construct a three story apartment building containing 26 senior citizens housing units restricted to tenants aged 55 and older. Two use variances are required, one to permit more than two principal uses on the same lot and second to permit housing in a B-C zone where no housing is permitted. Utilizing the bulk variances set forth in the Zoning Ordinance for the areas in which the two uses for which use variances are sought are permitted, as required by law, the following bulk variances are required:
- front yard 5' required, 0' provided;
- minimum rear yard 10' required, 0' proposed;
- side yards, where the property abuts residential use, for the sideyards half of the height of the building is required. On the right side, 0' is proposed and on the left side 4.6' is proposed, which is an increase of 2.6' from the existing left side yard.
- It should be noted that the Zoning Ordinance provides that the front of a lot is the narrowest part of the lot facing a street. Therefore, the front of the subject lot is on Lyall Road.

3.
Use
Variance

MJG-MAR REALTY, LLC 42 Lakeview Avenue B-C Block 7.05, Lot 70
Frank A. Carlet,
Esq.

Application for a use variance to permit use of the property previously occupied by the GARDEN PLAZA BOWLING ALLEY for a storage and distribution center for the sale of motor vehicle parts at retail and wholesale. The property is located in a B-C zone in which the sale at wholesale is not permitted.

NEW HEARINGS

1.
Variances

MAPLE GARDEN APARTMENTS, LLC 765 Clifton Avenue RB2 Block 30.09, Lot 1
Frank A.
Carlet, Esq.

The following variances are required in order to add five (5) additional parking spaces on the property:

- (1) the size of the spaces proposed is 9'x18'; whereas 9'x19' is required; and
- (2) the driveway requires a 5' setback; whereas 4' is being proposed in a section of the driveway. (PLANS SENT TO COMRS.)

2. Variance	YESICA RAMIREZ	80 Mahar Avenue Block 3.08, Lot 14	RB2	A variance is requested for a proposed driveway requesting a 0' setback where 5' is required. (PLANS SENT TO COMRS.)
3. Variance	AUGUSTO GONZALEZ & CELSA TAPIA	13 Whitmore Place Block 8.13, Lot 12	RB3	A variance is requested for a 6' high solid fence, already installed, along the whole left side of the home. Alongside of the house required is 4' 50% open and from the back corner of the home leading into the backyard required is 5' solid. (PLANS SENT TO COMRS.)
4. Variances	JOSHUA MC COY & SARLAIN SCOTT MC COY	11 Lincoln Place Block 4.09, Lot 20	RB3	Applicant is requesting to rebuild home after fire damage. New second floor expansion is proposed but due to the existing nonconforming lot size and lot coverage of the property, the following variances are requested: -Side yard setbacks being proposed at 3' & 2.49' with a combined total of 5.49' where a minimum of 6' on one side is required and a combined yard of 16'. -Proposed front yard to 2 nd floor addition is 20' where 25' is required. (PLANS SENT TO COMRS.)
5. Use Variance	JBK ENTERPRISES, LLC d/b/a THE BARROW HOUSE Angelo Cifelli, Jr., Esq.	1292-1296 VanHouten Ave. Block 34.04, Lot 29	BB	Existing Restaurant is permitted in zone as conditional use but does not meet all required setbacks. An entertainment license will not increase that non-conformity but requires a D-3 variance to allow live music. Applicant will also seek all required variances, waivers or other relief for approval to apply for an Entertainment License at the Restaurant. (PLANS SENT TO COMRS.)
6. Sub- division	LAZO JOSIFOSKI	112 Mt. Park Road Block 22.01, Lot 16	RA3	Applicant is requesting to subdivide vacant land into two lots for single family homes. (PLANS SENT TO COMRS.)
7. Use Variance; Variances	STORAGE BLUE CLIFTON, LLC Christos J. Diktas, Esq.	550 Lexington Ave. Block 7.07, Lot 1	B-C & RB2	Applicant is requesting relief, if necessary, from any variances, approvals, waivers, and/or exemptions from

any applicable provision of the Municipal Zoning Code of the City of Clifton necessary for approval of the application, to renovate the existing warehouse and change its use from a warehouse to a self-storage warehouse ("D" variance) plus the following bulk variances and final site plan approval:

Bulk Requirements: B-C Zone (General Business District)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback	46 Ft.	42.32 Ft.	42.32 ft.	Existing
Minimum Front Yard Setback	5 Ft.	9.32 Ft.	9.32 Ft.	No
Minimum Rear Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback	10 Ft.	RB-2 Zone	RB-2 Zone	N/A
Minimum Side Yard Setback (Both)	20 Ft.	N/A	N/A	N/A
Minimum Side Street Setback	5 Ft.	0 Ft.	0 Ft.	Existing
Maximum Lot Coverage	60%	55.58%	66.07%	Yes
Minimum Accessory Building Side Yard Setback	3 Ft.	N/A	N/A	N/A
Minimum Accessory Building Side Street Setback	25 Ft.	N/A	10 Ft.	Yes
Minimum Distance to Main Building	10 Ft.	N/A	5 Ft.	Yes

Bulk Requirements: R-B2 Zone R-B1 One-Family Residential Use)

	<u>Permitted</u>	<u>Existing</u>	<u>Proposed</u>	<u>Variance</u>
Lexington Ave Front Yard Setback to (ft.)	46 ft.	B-C Zone	B-C Zone	N/A
Minimum Front Yard Setback (ft.)	25 ft.	B-C Zone	B-C Zone	N/A
Minimum Rear Yard Setback (ft.)	35 ft.	9.42 ft.	9.42 ft.	Yes
Minimum Side Yard Setback (ft.)	6 ft.	4.81 ft.	4.81 ft.	Existing
Minimum Side Yard Setback (Both)	16 ft.	N/A	N/A	N/A
Minimum Side Street Setback (ft.)	10 ft.	0 ft.	0 ft.	Yes
Maximum Lot Coverage (%)	27%	55.58%	66.07%	Yes
Maximum Accessory Building Height (ft.)	14 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Front Yard Setback (ft.)	60 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Side Street Setback (ft.)	25 ft.	N/A	B-C Zone	N/A
Minimum Accessory Building Rear Yard Setback (ft.)	3 ft.	N/A	B-C Zone	N/A
Minimum Distance to Main Building (ft.)	10 ft	N/A	B-C Zone	N/A

Off Street Parking:

<u>Use</u>	<u>Parking Requirement</u>	<u>Total Required</u>	<u>Total Proposed</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Space per 250 SF of Floor Area			
Shops, Mills, Factories, Warehouses, and Storages	2 Employees but not less than 1.0 space for each 2,000 SF of Floor Area	32 Spaces	17 Spaces	Yes (15 Spaces)
Hoses (Self Storage)				

Loading Requirements:

<u>Use</u>	<u>Total Required</u>	<u>Total Provided</u>	<u>Variance Required</u>
Retail Store and Service Establishment (Liquor Store)	1.0 Loading Spaces		
Shops, Mills, Factories, Warehouses and Storage Houses (Self Storage)	3.84 Loading Spaces	2.0 Loading Spaces	Yes (3 Spaces)

Signage Bulk Table:

<u>Sign Type</u>	<u>Description</u>	<u>Ordinance</u>	<u>Permitted</u>	<u>Proposed</u>	<u>Variance</u>
Wall Sign #4	One (1) Proposed Wall Sign (Facing Seger Ave) 86.17 SF (5'-6" L x 15'-8" H)	\$461-54	Max Area = ((363.60 ft x 15) x (0.1)) = 545.4 S	86.17 SF	No (Yes- Non-Permitted Use)
Ground Sign #1	One (1) Proposed Ground Sign (Facing Lexington Avenue) 5.67 SF (1'-5" L x 4-0" H) Each	\$461-55	Max Area = (53.10 Ft + 45.45 Ft) - 98.55 Ft x 2 = 197.10 SF Max Height = 20 Ft Max Front Yard Setback = 60 Ft	Area = 5.67 SF Height = 16 Ft Setback = 13 Ft	No No Yes

RESOLUTIONS

1. GRANTED the application of RYAN LAUETTE for a variance for a driveway in front of the house no longer completely serving a garage at 12 Gould Terrace, Block 51.06, Lot 33. RA1

2. GRANTED the application of JONAH HOLLAND for side yard setback and front yard setback variances for a new two-story rear addition and change to the front stoop at 357 South Parkway, Block 58.07, Lot 8. RA3

3. GRANTED the application of WAEL EL-ZIND for rear yard setback, side yard setback, and lot coverage variances and expansion of a pre-existing, non-conforming use to build a rear addition for storage at 636 Van Houten Avenue, Block 37.01, Lot 17. PD-2

4. GRANTED the application of JIM BEIRNE for changes to a previously approved application which includes a reduction in the square footage of the raised deck; the first floor rear addition is reduced by approximately 10 square feet, and the second floor bedroom addition will be increased by 100 square feet at 35 Englewood Road, Block 68.11, Lot 18. RA3