

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
MAY 17, 2023
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on May 17, 2023.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

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| 1.
Use Variance;
Variance;
Site Plan | JOHN RADER
Ira E. Weiner, Esq.
(CONTINUED
TO 06/07/2023) | 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C
Site plan approval 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 required variances. DENIED DECEMBER 2, 2021 – COURT-ORDERED REMAND. |
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CONTINUED HEARINGS

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| 1.
Variances;
Use Variance | 522 VALLEY
ESTATES LLC
Jason R. Tuvel,
Esq.
(CONTINUED
TO 06/21/2023) | 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist
The Applicant seeks approval to demolish the existing building and construct a new residential complex consisting of 20 townhouse/multifamily 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; 44.99 ft. proposed). The Applicant also seeks bulk variance relief pursuant to N.J.S.A. 40:55D-70(c) and design waiver/exception relief, including: (1) Number of stories greater than permitted (3 stories permitted; 4 stories proposed); (2) Open space consisting of less than 25 ft. and located within 10 ft. of side or rear Property lines proposed where same is not permitted; (3) Soil proposed to be excavated in excess of 30% and on the cliff face where same is not permitted; (4) Vertical cut greater than permitted (15 ft. permitted; 56 ft. proposed); (5) Building coverage for over 30% slope area greater than permitted (0% permitted; 1.8% proposed); (6) Impervious surface (lot) coverage for over 30% slope area greater than permitted (0% permitted; 4.5% proposed); (7) Open space for 25.1-30% slope area less than required (50% required; 46.9% proposed); (8) Open space for over 30% slope area less than required (100% required; 79.9% proposed); (9) Number of trees replaced less than required (87 trees required; 48 trees proposed); and (10) Ground sign proposed where same is not permitted. The Applicant also seeks any additional deviations, exceptions, design waivers, submission waivers, variances, use variances, conditional use variances, interpretations, de minimis exceptions to the |
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State of New Jersey Residential Site Improvement Standards, 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.

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| 2.
Variances;
Use Variance | 833 CLIFTON AVE PARTNERS, LLC
Glenn Peterson, Esq.
(CONTINUED TO 06/21/2023) | 833 Clifton Avenue, Block 35.07, Lot 1 - BC
Preliminary and final site plan approval, use variance, bulk variances and exterior LED lighting. The applicant seeks approval to construct a 3-story residential apartment building containing 26 one-bedroom units. Any and all additional variances that may be required. |
| 3.
Variances; Use Variance;
Site Plan | MAIN FOOT AND ANKLE LLC
Glenn Peterson, Esq.
(CONTINUED TO 06/21/2023) | 1610 Main St. & 80 W. 2 nd St., Block 9.07, Lots 25 and 36 – B-C (Lot 26) and M-2 (Lot 25) – The applicant is proposing a consolidated subdivision of 1610 Main Avenue and 80 West 2 nd Street. The applicant further proposes a 3-story mixed use building for medical offices and a retail pharmacy. A D1 use variance is requested in addition to any and all other variances as may be required. |

NEW HEARINGS

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| 1.
Variances | SASAN IMANI | 32 Lorrie Lane, Block 71.03, Lot 24 – RA3 – The applicant is proposing a second-floor expansion and 3rd story addition which requires the following variances, side yard setbacks proposed at 4.9' and 4.5' where 6' is required, combined side yard setback proposed at 9.4' where 16' is required, proposing conversion of attic to 3rd story where 2 stories are permitted. (PLANS SENT TO COMRS.) |
| 2.
Variances | MEIR KANIEL | 174 Rutherford Blvd., Block 60.09, Lot 35 – BA3 – The applicant is proposing a second-floor addition and covered porch which requires the following variances, front yard setback proposed at 16.72' where 25' is required, two and a half stories being proposed where 2 stories is permitted, side yard setback proposed at 5.77' where 6' is required, and combined side yard proposed at 12.17' where 16' is required. (PLANS SENT TO COMRS.) |
| 3.
Variances | YUNUS ERDURAN | 96 Mountainview Drive, Block 27.06, Lot 9 - RA2 The applicant is proposing to enclose current open porch which requires a front yard setback, 30 feet required and 22.82' is being proposed. (PLANS SENT TO COMRS.) |
| 4.
Variances | ALEX MUNOZ | 58 Warren Street, Block 22.13, Lot 36 – RA3 – The applicant is proposing a second floor addition over existing footprint which requires the following variances, side yard setback proposed at 5'2" where 6' is required. (PLANS SENT TO COMRS.) |

5. Variances **STEINMAN FAMILY RESIDENCE TRUST**
Benjamin Karfunkel, Esq. 43 Rowland Ave., Block 50.04, Lot 18 – R-B1 – The applicant seeks approval to modify the existing two-family residential dwelling in the R-B1 zoning district. The applicant requests a variance to add a deck in the rear of the house. Currently the max lot coverage is 25% and the existing coverage is 29.76%. The proposed coverage would be 35.58%. The other dimensions are existing non-conforming, including the lot area, front yard and side yard setbacks. The Applicant also request any and all variances that the Board may deem necessary or the applicant may require. (PLANS SENT TO COMRS.)
6. Variances **LUIS AND JESSICA COLLI**
Alfred Acquaviva, Esq. 22 Burgh Avenue, Block 11.11, Lot 26 – R-B2 – N: The applicant is seeking to convert the property from a single-family home to a two-family home. The applicant is seeking to expand a variance for lot area per dwelling unit where existing is 4,046.60 and proposed is 2,023.30 based upon the proposed conversion of the home to a two-family home and a variance for one (1) parking space since four (4) off-street parking spaces are required. The other variance is for lot area where 7,500 square feet is required, and the existing lot is 4,046.60. All renovations would be to the interior, second floor which would only contain a one bedroom along with a kitchen, dining/living room, bathroom and small room which is labeled as an office on the said plans. (PLANS SENT TO COMRS.)
7. Variances; Use Variance **ZEKI YESILYURT** 223 (225) Lakeview Ave., Block 2.11, Lot 66 – B-C - The applicant is requesting a D1 use variance to convert a multitenant office building to a mixed-use office and residential building. First floor to remain as commercial use and second floor requesting to keep two 2-bedroom apartments which were previously converted from office space. Any and all other variances as may be required. (PLANS SENT TO COMRS.)
8. Variances; Use Variance; Site Plan **ANTHONY’S TOWING**
Dominic Iannarella, Esq. 454 Allwood Road, Block 69.01, Lot 31 – M-2 - The applicant is requesting a use variance for the use of a rear warehouse space of an existing building as a towing yard for indoor storage of vehicles. Applicant is further requesting two uses on one lot and a site plan waiver. Any and all other variances as may be required. (PLANS SENT TO COMRS.)
9. Variances; Use Variance **MEHUL ADHVARYU**
Dominic Iannarella, Esq. 50 Market Street, Block 68.03, Lot 26 –B-C – The applicant is requesting a use variance and conditional use variance to convert the existing retail store into a sit-down restaurant and bar. A similar application was heard by the board of adjustment and denied on 12/3/2008 but we will testify that substantial material changes have been made in this new application. Any and all other variances as may be required by the board. (PLANS SENT TO COMRS.)

<p>10. Variances; Use Variance; Site Plan</p>	<p>GALLERY HOUSE PUB LLC Dennis Sabourin, Esq.</p>	<p>312 Clifton Avenue, Block 12.05, Lot 22 – B-C, Main Ave Overlay – The applicant seeks an outdoor café license for 2023 and appeals the denial of the outdoor café license for 2022 on the basis of the existence of exterior signage which is face lit (box lighting lit up from within the sign), the presence of string lighting on the façade and the presence of a blue colored awning. Approval of the outdoor café license is sought despite the face lit signage and blue awning approval of the face lit signage is sought and approval of the blue awning is sought. If and as necessary, the applicant requests a variance from City of Clifton Code Section 461-53p 2 to allow retention of the blue awning as allowed under Code Section 464-23.3 D (1) and to allow retention of the lighted box sign which would otherwise be in violation of Code Section 461-24.3 E. (6). Approval is also sought for the string lighting on the façade of the building if such approval is required. The applicant requests any other variances, waivers, exceptions, or other relief that may be necessary. (PLANS SENT TO COMRS.)</p>
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AMENDED RESOLUTIONS

1. GRANTED the application of BANK OF AMERICA, NATIONAL ASSOCIATION for variance approval for signage improvements at the bank branch, which include the replacing of two existing signs for premises located at 1045 Clifton Avenue, Block 41.04, Lot 2.

AMENDED RESOLUTION

MEETING OF APRIL 19, 2023.

**RESOLVED by the ZONING BOARD OF ADJUSTMENT, CLIFTON, N.J., that the application of: BANK OF AMERICA, NATIONAL ASSOCIATION
for premises known as: 1045 Clifton Avenue, Block 41.04, Lot 2
be and the same is hereby: GRANTED variance approval for signage improvements at the bank branch, which include the replacing of two existing signs.**

Testimony concerning the aforesaid application was taken by the Board at its meeting on April 19, 2023. Said testimony including the application and the plans and exhibits on file are incorporated herein by reference and made a part hereof.

After a review of the testimony, Comr. Michael Molner moved to grant the application on the basis of the following Resolution:

WHEREAS, the applicant is proposing variance approval for signage improvements at the bank branch, which include the replacing of two existing signs; and

WHEREAS, the Board, after hearing the testimony presented by the applicant, has made the following factual findings:

- a. The applicant proposes to replace the Bank of America sign on the building placing Clifton Avenue, as well as the Bank of America wall sign facing St. James Place; and
- b. The maximum total signage area allowed for this site is 50.26 square feet and a total signage area of 93.6 square feet is requested;
- c. The purpose for this signage change is due to a nation-wide re-branding effort by Bank of America; and
- d. The applicant's experts testified that the signage is slightly larger due to the size and change in letter case, and that the actual text on the existing signage will not change; and
- e. The applicant presented testimony that the sign changes will also improve legibility for drivers;
- f. The proposed changes to the existing sign are de minimus;
- g. The applicant has shown sufficient hardship to justify the grant of the variance requested;
- h. The benefits of the application outweigh the detriments, if any; and

WHEREAS, the Board finds from the testimony presented that the proposal will be in accord with the intent and purpose of the master plan and the zone ordinance; and

WHEREAS, the Board further finds that there has been no testimony presented to show that the proposed addition will be detrimental to the health, safety, and general welfare of the neighborhood;

NOW, THEREFORE, BE IT RESOLVED that the application for variance approval for signage improvements at the bank branch, which includes the replacement of two existing wall signs for the premises located at 1045 Clifton Avenue, Block 41.04, Lot 2, is hereby approved and the variance is hereby granted subject to such further governmental approvals as may be required by law and subject to the following:

- 1. Compliance with the terms of Neglia Engineering Associates report for the above-referenced project.
- 2. Submission to Neglia Engineering Associates of all necessary easements and/or cross-access agreements for review and approval by the Board Attorney and the City Engineer prior to filing of same.
- 3. Entering into a Developer's Agreement with the City of Clifton and payment of a site performance bond to the City of Clifton.

4. Submission of a site inspection escrow deposit for engineering inspection fees and safety and stabilization bond/guarantee in amounts to be determined by the Board Engineer.
5. Payment of all water and sewer connection fees to the Passaic Valley Water Commission and/or the Passaic Valley Sewer Commission, if necessary.
6. Issuance of a road opening permit from the County of Passaic or the Clifton City Engineer, if required.
7. Compliance with the terms of Graviano & Gillis Architects & Planners, LLC report for the above project.
8. Shall maintain adequate escrow funds for all anticipated post-approval reviews.
9. Payment of any other fees due to the City of Clifton related to development or use of this project.
10. Payment of any outstanding taxes due and any outstanding fees to the City of Clifton.
11. Passaic County Planning Board approval or waiver.
12. Hudson Essex Passaic Soil Conservation District approval or waiver.
13. Submittal of approval or waiver of same from any additional agency having jurisdiction, including all applicable City, County, State, and Federal Laws, Ordinances, Regulations, and Directives, including without limitations the requirements of the City Engineering Department, City Fire Official, City Police Department, City Construction Code Official, City Board of Health, City Zoning Officer, and any other governmental authority.
14. Submission of engineering site plan to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of hearing.
15. Submission of architectural plans to comply with any changes required by the Planning or Engineering letters or plan amendments offered or required at the time of the hearing.
16. All sewerage, utilities, and other site improvements to be installed and maintained by the applicant at its sole expense.
17. All utilities to be constructed underground.
18. All temporary encroachments into the public right-of-way shall require City Council approval.
19. All construction staging shall be done on-site, unless an encroachment for the same into the public right-of-way shall be approved by City Council.
20. Replacement of damaged streets, curbs, and sidewalks as per the direction of the City Engineer and/or Board Engineer.
21. All oral representations made to the Board by applicant, counsel for applicant, or applicant's witnesses, not specifically contained herein, are incorporated by consent of applicant.
22. Shall, upon final determination of the building and building footprint, submit to the City Tax Assessor, floor plans, elevations and estimated construction costs of the building. These materials will be utilized to determine the applicable COAH residential or non-residential fee. Fee certification forms shall be completed by the applicant or its assignees and the Tax Assessor prior to submitting for a building permit.
23. Building permit applications shall only be submitted upon receipt of all required approvals/waivers. All building permit applications shall be accompanied by the Board Resolution of approval and with documentation that all conditions of approval have been satisfied. No permits are to issue unless and until the final sealed plans reflecting any changes or amendments have been submitted and approved. The Zoning Board shall retain jurisdiction to reconsider, revise, modify, add, and vary the terms of any conditions herein imposed upon any use variance, variances, and/or site plan granted herein.
24. This Resolution, if not acted upon (obtain building permit) within one (1) year of the date of adoption of this Resolution, shall become null and void; except where such variance or conditional use approval is granted in connection with site plan or subdivision approval, in which case the time limit shall be three (3) years from the date the resolution approving the variance or conditional use is adopted.

Resolution moved by:
Seconded by:
Affirmed by:

Comr. MICHAEL MOLNER
Comr. GEORGE FOUKAS
Comrs David Braid, Alessia Eramo, Maureen O'Connor, Scott Sochon, Michael Molner, George Foukas, and Chrmn Mark Zecchino.