

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
June 1, 2022
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on June 1, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

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|---------------------------------------------|-------------------------------------------------------------------|-----------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------|
| 1.
Prelim. &
Final Major
Site Plan | 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. |
|---------------------------------------------|-------------------------------------------------------------------|-----------------------------------------|-----|---------------------------------------------------------------------------------------------------------------------------------|

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
Variance;
Variances

VK ACQUISITIONS VI, LLC
John P.
Wyciskala, Esq.

90 Kingsland Ave. M3
Block 84.01, Lot 25.01

For preliminary and
final site plan,
conditional use and
variance approvals.

The subject property is approximately 7.09 acres in size, and is currently improved with an approximately 9,173 square foot ("SF") one story commercial building which, upon information and belief, has historically been used for automobile maintenance, repair and service. The remainder of the site is largely paved and has historically been used for automobile and other vehicular storage. It currently serves as an automobile inventory storage yard and service facility by a local automobile dealership.

The Applicant is proposing to improve and utilize the Property for the parking and/or storage of automobiles, vans (fleet type), truck/trailer parking and storage and/or equipment storage within the existing outdoor parking areas of the Property, as well as continued repair and maintenance of vehicles or equipment within the existing one-story commercial building. No changes are proposed with respect to the existing commercial building, and no new buildings are proposed. The Applicant is proposing improvements within the site which includes repairs and restriping of the existing parking lot areas, upgraded lighting and landscaping. There are four proposed parking lot striping plans included within the site plan set submitted to the Board, which include layouts for truck storage, automobile parking, van (fleet) type parking and equipment storage.

The Applicant is seeking variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) and (d/3), including a D(1) use variance and D(3) conditional use variance relief to permit the use of the Property for outdoor storage/parking of automobiles, trucks, fleet vehicles and construction-type equipment due to the fact that the uses are not deemed a permitted use in the M-3 zone and/or do not meet all of the conditional use standards set forth in the Code. The Applicant is also seeking bulk variance pursuant to N.J.S.A. 40:55D-70(c)(1) and/or (c)(2) for the following:

1. To permit the use of LED lighting in the parking lot areas where it is currently not permitted.
2. Total Off-Street Parking Associated with the Existing Commercial Building-46 spaces required, 19 parking spaces proposed (9' by 19' in dimension).
3. To permit parking, loading and drive aisles in front yards of the Property (Section 461-60E).

4. Parking, Loading and Drive Aisle Setbacks - 10' to side yard/5' to front yard required (Section 461-60F). Proposal does not meet these minimum setback requirements along the Myrtle Avenue, Kingsland Avenue and Century Drive frontages.

5. Landscaping for Interior Parking. A minimum of 20 SF of landscaping is proposed for each parking space. (Section 461-60N). Less than the minimum is proposed.

In addition to the above approvals, the Applicant requests that the application be deemed amended to include, and that the Board grant any additional approvals, variances, exceptions, or waivers determined to be necessary or desirable in the review and processing of this application, whether requested by the Applicant, the Board or otherwise. (REVISED PLANS SENT TO COMRS.)

NEW HEARINGS

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|-------------------------------------|----------------------------------------------------------|------------------------------------------|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.
Variance | THE MANZO ORGANIZATION
Matthew J. Trella, Esq. | 975 Clifton Avenue
Block 41.03, Lot 4 | BA | A front yard variance is being requested for the erection of a sign where 25' is required and 5' is being proposed.
(PLANS SENT TO COMRS.) |
| 2.
Variance | NANCY THEODOROU
Matthew J. Trella, Esq. | 55 Tancin Lane
Block 74.11, Lot 7 | RA1 | Owner seeks variance to erect a deck over existing patio. Rear yard setback being proposed at 22' where 35' is required.
(PLANS SENT TO COMRS.) |
| 3.
Use
Variance;
Variances | MARCO MARTINEZ
Glenn Peterson, Esq. | 590 Route 3
Block 82.01, Lot 49 | B-D | Applicant is requesting conditional use variances for a take-out restaurant within an existing strip mall.

Also needed is a parking variance: 8 off street parking spaces are required where none are being provided. Existing non-conforming setbacks exist, required rear yard setback is 50' where 35.2' is provided; lot depth of 150' required where 126.32' provided. (PLANS SENT TO COMRS.) |
| 4.
Variance | AKIVA ELBAUM | 167 Edgewood Ave.
Block 57.08, Lot 11 | RA3 | Applicant is proposing a second floor rear addition with a balcony off the master bedroom which requires the following variance:

1. Rear yard setback proposed at 31' where 35' is required. (PLANS SENT TO COMRS.) |

5. **LUIS VEGA** 119 DeMott Ave. RB1 Applicant is proposing a
 Variance Block 12.18, Lot 9 6' solid fence along the
 rear yard where 5' solid
 is required.
 (PLANS SENT TO COMRS.)
6. **SAFHRANA BHIKAM** 50 Sunnycrest Ave. RA1 Applicant is proposing a
 Variances Block 41.13, Lot 3 rear addition to the
 home which requires the
 following variances:
 1. Rear yard setback proposed at 17' where 35' is
 required.
 2. Lot coverage proposed at 32% where 27% is
 permitted. (PLANS SENT TO COMRS.)
7. **JAMIE LYNNE** 1239 Valley Road RA1 Applicant was previously
 Use **SALEK** Block 74.06, Lot 17 granted a variance for a
 Variance two-story accessory
 structure and height
 variance to replace an
 existing garage with a
 two-story "Barn"
 accessory structure.
 Applicant is now requesting a variance to add a
 half bath to the structure.
 (PLANS SENT TO COMRS.)

RESOLUTIONS

1. GRANTED the application of STORAGE BLUE CLIFTON, LLC for preliminary and final site plan approval with associated C and D variances for a self-storage warehouse at 550 Lexington Avenue, Block 7.07, Lot 1.
2. DENIED the application of PASSAIC CLIFTON COMMUNITY KOLLEL CONGREGATION for use variance with associated "c" variances for an expansion of a mixed use building at 409-411 Main Avenue, Block 59.03, Lot 17.
3. GRANTED the application of MICHAEL FRUCHTER for a combined side yard setback for a one-story addition at 475 South Parkway, Block 58.04, Lot 3.
4. GRANTED the application of WAGUIH KHOUZAM for a rear yard setback variance for a deck attached to the house at 117 Abbe Lane, Block 33.09, Lot 28.
5. GRANTED the application of JONATHAN TUBAY & SOCHILD PACHECO for lot coverage and rear yard setback variance for a constructed deck and sliding door at 180 West Third Street, Block 9.08, Lot 26.

ADOPTION OF MINUTES

1. Minutes of special meeting May 11, 2022.
2. Minutes of regular meeting May 18, 2022.