

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
June 15, 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 15, 2022.

PLEDGE OF ALLEGIANCE
CONTINUED HEARINGS

1. **BOTANY VILLAGE** 254 Dayton Avenue PD1 For preliminary and
Prelim. & **PROPERTY LLC** Block 4.18, Lot 21 final major site plan
Final Major Jason R. Tuvel, approval, use variance,
Site Plan Esq. bulk variance and design
waiver/exception relief.

**(CONTINUED TO
JULY 20, 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
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

1. **TATIANA ROSADO** 99 Hamilton Ave. RB1 Applicant is proposing
Variances Block 7.02, Lot 7 to build a second story
add-a-level over the
the existing house.
The two variances being requested are for
(1) combined side setback proposed at 15.87'
where 16' is required; and
(2) left side yard setback proposed at 5.59'
where 6' is required.
(PLANS SENT TO COMRS.)
2. **NATASHA SEALY-DORVELUS** 71 Homestead Street RA2 Applicant is proposing
Variance Block 27.03, Lot 18 to construct a deck to
the back of the home
which requires the
following setback:
Rear yard setback is proposed at 22' where 35' is
required.
(PLANS SENT TO COMRS.)
3. **JOSEPH STICKLES** 59 Harrington Road RA3 Applicant is proposing
Variances Block 55.12, Lot 13 to rebuild and enlarge
existing garage as well
as widen the driveway.
The following variances
are requested:
1) Side yard setback for accessory building
proposed at 3.1' where 5' is required.
2) Rear yard setback proposed at 3' where 6' is
required.
3) Driveway required to be 5' off property line
where 0' setback being proposed.
(PLANS SENT TO COMRS.)

4. **JOSHUA COHEN** 33 Conover Court RA3 Applicant is proposing
 Variance Block 71.03, Lot 11 to construct a first-
 floor addition which
 requires the following
 setbacks.
 Due to the irregular-shaped lot, rear yard
 setbacks are proposed at 21.43' & 28.98' where
 35' is required. (PLANS SENT TO COMRS.)
5. **JHONATY PEREZ-** 5 New Brier Lane RA3 A variance is requested
 Variance **JIMENEZ** Block 67.07, Lot 1 for a 5' high solid
 fence along the front,
 left side, and rear
 portion of the home
 where a 4' 50% open
 fence is permitted and
 20' site triangle
 setback is required at
 the street corner.
 (PLANS SENT TO COMRS.)
6. **AVI & BAYLA** 15 E. Parkway RA1 The Applicant seeks
 Variances **GELLER** Block 58.05, Lot 8 approval to expand the
 Jason R. Tuvel, existing single-family
 Esq. residence on the
 property, along with
 related site
 improvements.
 The Applicant seeks bulk variance and design
 waiver/exception relief in connection with the
 application, including:
 1) Front yard setback less than required (35 ft.
 required; 33.9 ft. proposed); and
 2) Number of stories greater than permitted
 (2 stories permitted; 3 stories proposed), if
 deemed necessary.
 The Applicant also seeks any additional
 deviations, exceptions, design waivers,
 submission waivers, use variances, conditional
 use variances, variances, de minimis exceptions
 to the State of New Jersey Residential Site
 Improvement Standards, 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.
 (PLANS SENT TO COMRS.)

7. **SAWSAN MAEMARI** 117 (119)W. 2nd St. RB1 Variance to make a one-
 Variances Matthew J. Block 9.09, Lot 4 family home into a two-
 Trella, Esq. family home. Other
 variances needed are:
 1) Side yard setback, being proposed at 2.78'
 where 12' is required;
 2) Combined yard setback proposed at 14.41' where
 24' is required;
 3) Front yard setback proposed at 14.9' where 25'
 is required;
 4) Minimum lot width proposed at 40½' where 75
 sq ft is required;
 5) Minimum lot area proposed at 4,050 where 7,500
 sq ft is required;
 6) 0' setback where 5' is required for a parking
 variance;
 all other necessary variances.
 (PLANS SENT TO COMRS.)

8. **1128 SPRINGFIELD** 635 Brighton Road M2 For site plan approval/
 Use **ASSOCIATES, LLC** Block 42.16, Lot 6 amended site plan
 Variance; Richard S. approval, with associated
 Variances Schkolnick, Esq. "c" and "d" variances to
 construct building
 additions to the
 existing warehouse
 building on property.
 Please take notice that the applicant hereby
 requests any and all necessary variances,
 waivers, approvals or other relief from the City
 of Clifton zoning, site plan and land use
 ordinances, including but not limited to the
 following:
 1. A d(2) variance for the expansion of the
 nonconforming warehouse use;
 2. Section 461 attachment #3 (minimum rear yard)
 (15 feet required; 14.8 feet existing and
 proposed).
 3. Section 461-14 (minimum landscape buffer)
 (40 feet required, 10.4 feet existing and
 proposed).
 4. Section 461-60(E) (parking in front yard
 prohibited) (parking in front yard existing and
 proposed).
 5. Section 461-32(A) (high pressure sodium lights
 required; LED lights proposed).
 (PLANS SENT TO COMRS.)

COMMUNICATIONS

1. Communication dated June 2, 2022, from County of
 Passaic, Department of Planning and Economic Development
 Director regarding the application of SEAMAN'S BEVERAGE AND
 LOGISTICS, LLC, 635 BRIGHTON ROAD A/K/A 1128 SPRINGFIELD
 ASSOCIATES, LLC.

RESOLUTIONS

1. GRANTED the application of THE MANZO ORGANIZATION for a front yard setback variance for the erection of a sign at 975 Clifton Avenue, Block 41.08, Lot 4.

2. GRANTED the application of NANCY THEODOROU for a rear yard setback variance to erect a deck over existing patio at 55 Tancin Lane, Block 74.11, Lot 7.

3. GRANTED the application of MARCO MARTINEZ for conditional use variance for a take-out restaurant within an existing strip mall at 590 Route 3, Block 82.01, Lot 49.

4. GRANTED the application of AKIVA ELBAUM for a rear yard setback variance for a second floor rear addition with balcony at 167 Edgewood Avenue, Block 57.08, Lot 11.

5. GRANTED the application of LUIS VEGA for a 5-foot-high solid fence with a 1-foot lattice on top, for a total of 6 feet, along the rear yard at 119 DeMott Avenue, Block 12.18, Lot 9.

6. GRANTED the application of SAFHRANA BHIKAM for rear yard setback and lot coverage variances for a rear addition at 50 Sunnycrest Avenue, Block 41.13, Lot 3.

7. DENIED the application of JAMIE LYNN SALEK for use variance to add a half bath to the existing two-story "barn" structure at 1239 Valley Road, Block 74.06, Lot 17.