

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
SEPTEMBER 6, 2023
6:45 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the Regular Meeting on September 6, 2023.

PLEDGE OF ALLEGIANCE

EXECUTIVE SESSION

In accordance with Section 8 of the Open Public Meetings Act, Chapter 231, P.L., the Board has the authority to adjourn to closed session to discuss matters pertaining to litigation and attorney – client privilege. Said matters will be made public upon their disposition.

REMANDED HEARING

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| 1.
Use Variance;
Variance;
Site Plan | JOHN RADER
Ira E. Weiner, Esq.
(CONTINUED
TO 09/06/2023) | 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; Site
Plan | MAIN FOOT
AND ANKLE
LLC
Glenn Peterson,
Esq.
(CONTINUED
TO 09/20/2023) | 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. (PLANS SENT TO COMRS.) |
| 2.
Variances; Use
variance | KANOON
RESTAURANT
Dominic
Iannarella, Esq.
(CONTINUED
TO 09/06/2023) | 349 Hazel Street, Block 15.13, Lot 7 – RB1 – Applicant is proposing a fully enclosed covered patio to be used for year round seating, a covered walkway as well as a 160 sq. ft shipping container which are all an expansion of a non-conforming use and require a use variance. A parking variance as well as any other variances, waivers, exceptions, or other relief that may be necessary are also being requested. (PLANS SENT TO COMRS.) |

NEW HEARINGS

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| 1.
Variances, Use
Variances, Site
Plan | LORD AND
SHEPHERD
PROPERTIES
LLC
Lawrence Cutalo,
Esq. | 1500 Main Ave., Block 9.19, Lot 1 – M-3 Special Industrial – The Applicant seeks Preliminary and Final Site Plan Approval and other approvals to fit out, reoccupy and replace the existing first-floor furniture store with an approximately 7,433-square-foot restaurant and approximately 4,243 square feet of self-service self-storage space. The Applicant further seeks |
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to fit out and reoccupy certain vacant fourth floor space with approximately 11,818 square feet of self-service self-storage space. Other alterations are set forth on the site plan and architectural plans and include electric vehicle charging station(s). The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) because the proposed self storage use is not permitted in the M-3 zone. The Applicant further seeks use variance relief, N.J.S.A. 40:55D-70(d)(1), insofar as one principal use is permitted where the Application proposes two principal uses (self-storage and restaurant) with other principal uses that are existing and/or previously approved. The Applicant also seeks conditional use variance relief, N.J.S.A. 40:55D-70(d)(3), for the self storage and/or warehouse uses in view of proposed/existing deviations from the conditional standards set forth in §461-36.E(2) (warehouse - frontage for lot within 1/2 mile of public park where not permitted) and §461-36.E(4) (warehouse - height and parking requirements for M-2 zone district not met where such is required). The Applicant further seeks the following bulk, dimensional or other "c" variance relief, N.J.S.A. 40:55D-70(c), to allow among other things: § 461-60.1.A, 100 parking spaces proposed/existing where 259 required; § 461-24.3.F(1) for restaurant use, front yard setback shall be minimized to bring front façade as close to street as possible, where 106.9 ft. front yard setback proposed/existing; § 461-24.3.G(1)(C)[4], compliance with off street parking and screening requirements, where proposed/existing parking lot is unscreened and non-compliant. Applicant seeks to continue the following pre-existing non-conforming, or previously approved, conditions including but not limited to: 35 ft. side yard setback required where 5.2 ft. existing/proposed; 35 ft. rear yard setback required where 5.6 ft. existing/proposed; 250 ft. lot width where 132.2 ft. existing/proposed; 2.05 acre lot area existing/proposed where 2.5 ac. required in M-3 Zone and 5 ac. required in Main Avenue overlay; for restaurants, parking areas screened from front yard where no screening exists/proposed; for restaurants, lot must front Main Avenue where existing/proposed frontage is on West 5th Street. As these nonconformities and/or deviations are already existing, the Applicant submits that no additional variance relief is required, but to the extent required, the Applicant shall, for above-referenced conditions, seek any variances, waivers, exceptions or other relief as the Board determines to be necessary. In addition to the foregoing, the Applicant seeks without limitation all other approvals, variances, waivers, exceptions, deviations, interpretations, continuations of pre-existing non-conforming conditions and/or submission waivers as set forth in the Application and/or Site Plan Documents and/or as may arise or be deemed necessary by the Board or its professionals, or during the course of the hearings and/or as the result of any requested change to the Site Plan Documents by the Board, the Applicant or any member of the public. (PLANS SENT TO COMRS.)

2. **CLIFTON**
Variances, Use **CHEDER INC**
Variance, Site Jason Tuvel, Esq.
Plan

213-224 Barkley Ave., Block 19.10, Lot 1 and Block 19.08 Lot 13 – RB1 and B-D Zone – The Applicant seeks approval to convert the existing house of worship with accessory day care center at the Building Lot into a house of worship with private school, along with related site improvements, including but not limited to landscaping and lighting (the "Proposed Development"). The Applicant also seeks approval to utilize the Parking Lot for vehicular parking ancillary to the Proposed Development. The Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for proposing off-site parking associated with the Proposed Development, if deemed necessary. The Applicant seeks conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) for the Proposed Development for failure to meet the following conditions; (1) minimum lot area (1 acre required; 0.67 acre existing/proposed); (2) number of stories (2 stories permitted; 2.5 stories existing/proposed); (3) maximum impervious coverage (20% permitted; 74.7% existing; 75% proposed); (4) minimum front yard setback (25 ft. required; 9.8 ft. existing/proposed); and (5) minimum side yard setback (25 ft. required; 7.4 ft. existing/proposed). To the extent necessary, and in the alternative, the Applicant seeks use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) for the Proposed Development, if deemed necessary. The Applicant also seeks bulk variance and design waiver/exception relief, including: (1) parking less than required (44 spaces required; 0 spaces existing/proposed on the Building Lot); (2) fence height in front yard and street side yard greater than permitted (4 ft. permitted; 6 ft. proposed); and (3) fence height in side yard greater than permitted (5 ft. permitted; 6 ft. 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 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.)

RESOLUTIONS

1. GRANTED the application of 522 VALLEY ESTATES LLC for preliminary and final site plan approval, use and bulk variances in order to construct six townhouse/multifamily dwellings on premises located at 522 Valley Road, Block 32.01, Lot 12.
2. DENIED the application of SASAN IMANI for variances to construct a second floor expansion and third story addition for premises located at 32 Lorrie Lane, Block 71.03, Lot 24.
3. GRANTED the application of GAMAL AL-AMRANY for variances for renovations and construction of a second floor addition for premises located at 306 East 4th Street, Block 5.17, Lot 15.
4. GRANTED the application of KENNETH KLABOUCH for variances to construct a rear dormer addition and new front covered entryway for premises located at 64 Lyall Road, Block 56.02, Lot 23.

5. GRANTED the application of ZORAYA DICKSON for a variance to install a 5' solid with 1' lattice fence surrounding a deck on a corner lot for premises located at 316 Maplewood Ave, Block 25.06, Lot 12.

6. DENIED the application of OLGA DELGADO for variances to install a new canopy over front stairs and construct a new enclosure for basement stairs for premises located at 38 Lincoln Place, Block 4.10, Lot 58.

7. GRANTED the application of WAEL IHMAID for variances for an already constructed expansion, roof, and enclosure of previously existing, non conforming open deck for premises located at 119 E 5th St., Block 5.22, Lot 6.