

AGENDA
ZONING BOARD OF ADJUSTMENT
CITY OF CLIFTON
JANUARY 18, 2023
7 P.M. REGULAR MEETING

Please take notice that formal action may be taken on the following applications at the
Regular Meeting on January 18, 2023.

PLEDGE OF ALLEGIANCE

REMANDED HEARING

1. **JOHN RADER** 817-825 Clifton Ave., Block 35.06, Lot 16 – B-C
Use Variance; Ira E. Weiner, Esq. Site plan approval required to remove the existing
Variance; **(CONTINUED)** MOONEY AUTO REPAIR GARAGE, to enlarge the
Site Plan **WITHOUT** building housing the existing DUNKIN DONUTES
DATE) 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
require variances. **DENIED DECEMBER 2, 2021 –
COURT-ORDERED REMAND.**

CONTINUED HEARINGS

1. **522 VALLEY** 522 Valley Road, Block 32.01, Lot 12 – Steep Slope Dist
Variances; **ESTATES LLC** Preliminary and final major site plan approval, use
Use Variance Jason R. Tuvel, variance, bulk variance and design waiver/exception
Esq. relief(the “Application”) by 522 Valley Estates LLC
(CONTINUED) (the “Applicant”) with respect to property having a street
TO 02/15/2023) address of 522 Valley Road, Clifton, New Jersey 07013,
and being designated as Block 32.01, Lot 12 on the City
of Clifton Tax Map (the “Property”). The Property is
located in the Steep Slope Zoning District. The
Applicant seeks approval to demolish the existing
building and raze the Property and construct a new
residential complex consisting of 21 townhouse
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;4 2.75 feet proposed). The Applicant also
seeks bulk variance relief pursuant to N.J.S.A. 40:55D-
70(c), including: (1) Number of stories greater than
permitted (3 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 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.

2. Variance;
Use Variance

**WALBRI
PROPERTIES,
LLC**
Gary Cohen, Esq.
**(CONTINUED
TO 02/15/2023)**

AS AMENDED FOR 11/16/22 - 1 & 9 Walnut Street,
Block 37.04, Lots 9 and 13 – M2

An Application for development has been submitted for property located at 1 & 9 Walnut Street, Clifton, NJ; and also located at Interior Brighton Ave., City of Passaic, NJ, Block 3245.03, Lot 10, Zone designation as C.

The purpose of the Application and the Project is for the development of the property & to combine the use of all 3 lots, to demolish the old pavement on the properties, and to construct a new 7,442 square foot 1 story 33.6 foot height commercial flex multi-tenant warehouse building on what is currently identified as Lot 9 and part of Lot 13, with 9 parking spaces, including 1 handicapped space on the remaining part of Lot 13 and on Lot 10.

The application in question requires the following approval/relief from the City of Clifton Zoning Board of Adjustment as per the Clifton Zoning Ordinance:

Variances for: 1] Allowing “d(3)” conditional use variances, pursuant to N.J.S.A. 40:55D-70.d(3), in that there is a deviation from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to a conditional use and based upon the requirements set forth in Clifton Code Section 461-36.E. and because the Applicant does not meet the following conditions, variances are required as to the following: (1) The frontage and principal access to such use shall be located on a collector or arterial street (as defined under Chapter 399, Subdivision of Land) not less than 60 feet in width; and (2) The frontage of the lot on which such use is proposed to be located shall not be within 1/2 mile of a public or parochial school or public park or playground which abuts the same street as the proposed truck terminal, transfer station or warehouse fronts, except State Highway Route No. 3 and Route No. 46, measured along the center line of said street; and (3) The use shall not be located on a lot, any part of which is within 100 feet of a residence district boundary; and (4) The use shall meet the area, height and bulk requirements for industrial plants in an M-2 District and shall meet the off-street parking, loading and unloading and buffer requirements of this chapter as it pertains to industrial plants in an M-2 District; and allowing any other d(3) conditional use variances that may be required pursuant to N.J.S.A. 40:55D-70.d (3), for any other deviations from a specification or standard pursuant to section 54 of P.L.1975, c.291 (C.40:55D-67) pertaining to the conditional use of the proposed building and use on the subject property; 2] Front Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a front yard setback of 20 feet is required and front yard setback of three (3) feet is proposed; 3] Rear Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a rear yard setback of 40 feet is required and rear yard setback of four (4) feet is proposed; 4] Side Yard- a C Variance from City of Clifton Code Section 461 Attachment 3 in that a side yard setback of 16.8 feet is required and side yard setback of four (4) feet is proposed; 5] From City of Clifton Code Section 461-60.E in that parking shall not be permitted in the required front yard and parking in the required front yard is proposed; 6] From City of Clifton Code Section 461-60.F in that: “off-street parking or loading spaces, parking aisles or maneuvering areas shall not be located within 10 feet of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line and the proposed parking lot does not meet ten (10) feet on the rear property line at approximately one (1) feet and in the rear and side parking lot setbacks, and the proposed lot is also less than five (5) feet at the front yard setback requirement; 7] All setback areas shall be adequately landscaped; and 8] preliminary and final site plan approval with associated “c” and “d” variances; 9] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

The application in question requires the following approval/relief from the City of Passaic Planning Board as per the Passaic Zoning Ordinance:

Variances for: 1] For site plan approval; 2] The Passaic City portion to be developed as a parking lot with a portion of the Ingress and egress into the property, and 3] Granting all other relief, waivers, variances and approvals that may be required or may be raised during the course of the hearing.

3. **EMB 561 LLC** 561 Van Houten Ave., Block 43.04, Lot 8 – BC
 Variances; Preliminary and Final site plan approval; use variance
 Use Variance John A. Conte, approval; bulk variances from Section 461-13 for pre-existing non-conformities consisting of minimum front yard and minimum side yard/each, which none of the pre-existing non-conformities are being increased or changed; and any other variance, waiver, or other relief, if necessary, from the requirements of the Clifton Zoning code to permit the Applicant to convert the existing mixed use building into a multi-family apartment dwelling consisting of 2 one-bedroom apartments on the first floor and 4 two-bedroom apartments on the second floor.

4. **833 CLIFTON AVE PARTNERS, LLC** 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.
 Glenn Peterson, Esq.

(CONTINUED TO 02/15/2023)

5. **MARK IASKY** 822 Passaic Avenue, Block 81.01, Lot C6 – PD-HC-
 Variances; Frank A. Carlet, Bulk: 4,151 s.f. of minimum lot area where 40,000 s.f. is required; 43,04’ for minimum lot width where 200’ is required; 100’ of minimum lot depth where 200’ is required; 45’ front yard setback where 50’ is required; 5’ rear yard where 50’ is required; Use: A private automobile garage where the permitted uses are only retail, services, office, financial, sit down restaurants and indoor recreation facilities; and such further and other variances and waivers as may become known.

NEW HEARINGS

1. **ALIMUSA** 11 Lennon Place, Block 53.02, Lot 35 – RA2- The applicant is proposing a 2nd floor balcony with a roof over an existing 1st floor bedroom which requires the following variance; rear yard setback proposed at 30’ where 35’ is required. (PLANS SENT TO COMRS)

2. **WAEL EL-ZIND** 636 Van Houten Avenue, Block 37.01, Lot 17 – PD-2- Applicant previously appeared before the board and was granted approval to build a rear one-story addition for storage. Applicant is back to amend the addition to include a second level with windows and exterior doors. (PLANS SENT TO COMRS)

3. **THE GROUP, LLC** 580 790 Bloomfield Avenue, Block 56.07, Lots 15, 15.01-15.06, 23.01 – M-2 - The Applicant seeks preliminary and final site plan and conditional use approval, and use and/or expansion of a nonconforming use variance, conditional use variance, and bulk variance approval to construct a 14,578 SF warehouse addition with loading spaces to existing industrial/warehouse buildings with one (1) existing residential apartment located at the Property. In connection with the proposed addition, the Applicant requires the following variances, waivers, exceptions or other relief from the Zoning Code of the City of Clifton ("Code"): (CONTINUED)

1. Conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) for: a. location to a residential district within 100 feet; whereby +/- 60 ft. exists and +/- 60 ft. are proposed; b. dwelling quarters for a watchman or caretaker as permitted in the B-A zone subject to the same standards where same is an existing condition and is proposed to continue. 2. To the extent deemed necessary, conditional use variance relief pursuant to N.J.S.A. 40:55D-70(d)(3) and variance relief pursuant to N.J.S.A. 40:55D-70(c) for the following: a. whereby 159 parking spaces are required; 138 spaces are existing and 150 spaces are proposed; b. whereby minimum parking stall size required is 9' x 19', and 9' x 18' is existing and proposed; c. whereby a 5 ft. parking setback is required and 4.5 ft. is existing and proposed; d. whereby minimum rear yard setback as 15 ft. required, 2.28 ft. existing and proposed; e. whereby minimum side yard setback as 15 ft. is required, 0 ft. existing and proposed; f. whereby off street parking or loading spaces, parking aisles or maneuvering areas as same shall not be located within 10 ft. of any corner side lot line, within 10 feet of any rear lot line abutting a street or within five feet of any other lot line, parking within 10 ft. is existing and proposed; g. whereby all off-street parking areas having 10,000 or more square feet of paved area shall, in addition to the landscaping of the setback areas or buffer areas, provide landscaping for the interior parking lot areas at a minimum of 20 square feet of interior lot landscaping for each parking space, with a minimum landscape dimension of five feet by five feet and the parking area does not comply as existing or proposed. 3. To the extent necessary, the Applicant seeks a use variance, or expansion of a nonconforming use variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) or (d)(2) to allow the addition which will be added to a mixed use, whereby no mixed residential use or residential-industrial use of a building is permitted in any zone (except as noted in Section 461-13.1K(b)). 4. This Notice shall also be deemed to include such other and further relief including any and all variances, waivers, exceptions, nonconforming conditions, or other relief from the Clifton Zoning and Site Plan Ordinances as the Zoning Board of Adjustment as shall be deemed necessary throughout the public hearings on this Application. (PLANS SENT TO COMRS)

RESOLUTIONS

1. GRANTED the application of MESIVTA OF CLIFTON, INC., for relief, if necessary, from any variances, approvals, waivers and/or exemptions from any applicable provision necessary for approval of the application to demolish 3 existing buildings, to replace these buildings with one two-story building consisting of classrooms and school facilities, to expand the existing school dormitory, and to consolidate all of the lots located at 294 Main Avenue, Block 59.10, Lot 1, 3, 29 and 30.

2. GRANTED the application of DOUGLAS & LISA SMITH for a proposed second story addition at 133 Pershing Road, Block 41.12, Lot 15.

3. GRANTED the application of CLIFTON ADULT OPPORTUNITY for an amended final site plan following the Historic Preservation Office's requirement to change the roof style at 900 Clifton Ave, Block 35.01, Lot 2.

4. GRANTED the application of MIKHAIL KRESLAVSKIY for a one-story addition at 632 Bloomfield Ave, Block 50.06, Lot 15.
5. GRANTED the application of WAEL ABDELSALAM for a variance for a rear yard setback due to an already built deck at 67 Donna Drive, Block 47.05, Lot 27.
6. GRANTED the application of DANIEL & RACHEL BESSER to increase the size of an existing deck at 126 All wood Place, Block 50.09, Lot 38.