

Minutes of a special meeting of the Board of Adjustment of the City of Clifton, New Jersey, held on Wednesday, May 11, 2022. Chrmn Mark Zecchino led the entire assembly in the Pledge of Allegiance to the Flag of the United States of America. Pursuant to the "Open Public Meeting Law" all notice requirements were satisfied. Chrmn Zecchino announced the time, place, and form of notice as well as advising all applicants that formal action may be taken on the matter set forth on the Agenda. Said opening statement is incorporated herein by reference and made a part hereof.

PRESENT: COMRS URI JASKIEL, SCOTT SOCHON, MICHAEL MOLNER, GEORGE FOUKAS, VICE-CHRMN GERARD SCORZIELLO, AND CHRMN MARK ZECCHINO.

ABSENT: COMRS GEORGE SILVA, ZALMAN GURKOV, AND LOUIS DE STEFANO.

Chrmn Zecchino advised the applicant that the testimony given before the Board was being tape recorded. The applicant was further advised of the right of appeal and the procedure to obtain a stenographic record of the Board.

NEW HEARING

1. **TFJ HAZEL LLC**, 252 Hazel Street & 237 West 3rd Street – Block 16.11, Lots 1 & 2 -- RB2 – Preliminary and Final Major Site Plan approval, Minor Subdivision (lot consolidation) approval, d(1) use variance, d(5) density variance, d(6) height variance, and bulk (“c”) relief to construct a four (4)-story mid-rise (three (3) stories over parking), multi-family residential building containing sixty (60) dwelling units (currently proposed to contain 15, 1-bedroom units; 12, 1-bedroom with a den units; 27, 2-bedroom units; and 6, 2-bedroom with a den units) and resident amenities (the “Proposed Building”), along with on-site parking (covered / under the Proposed Building and surface parking), and related site improvements (all proposed improvements collectively referenced as the “Project”) on the “Property.”
Lot 1 (+/- 71,752 square feet) is currently improved with a vacant, nonconforming manufacturing/ industrial building that was formerly operated as a textile dyeing and finishing facility (International Veiling Corp.).
Lot 2 (+/- 3,500 square feet) is improved with a vacant, one-family residential dwelling.
As part of the application, the existing lots will

be consolidated (combined) to form a new lot consisting of +/- 75,252 square feet and the existing improvements will be removed.

The Project is proposed to be accessed by a full-movement driveway along 7th Avenue and a full-movement driveway at the intersection of 7th Avenue and West 4th Street. Emergency (vehicle) access is proposed from Hazel Street (CR702).

A loading zone is proposed next to the entrance of the covered parking area. Proposed site improvements include, but are not necessarily limited to, a refuse enclosure, an electrical transformer and associated concrete pad, grading and drainage, stormwater management, underground utilities, lighting, landscaping, directional/wayfinding signage, building identification signage, electric vehicle charging stations, paving and striping, curbing, and walkways/sidewalks.

The Property is in the R-B2 (Residential, One- and Two-Family and Garden Apartments) Zone District (the "R-B2 Zone"), which does not permit mid-rise, multi-family residential buildings.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(d), from the City of Clifton Zoning Ordinance (the "Ordinance"), as follows:

1. From Section 461-13.1.E "Use Regulations" for the R-B2 Zone To permit a mid-rise, multi-family residential building in the R-B2 Zone, where mid-rise, multi-family residential buildings are not permitted.
2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Minimum Lot Area per Dwelling Unit – To permit a lot area per dwelling unit of 1,254.2 square feet, where a minimum lot area per dwelling unit of 3,351 square feet is required.
3. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Maximum Building Height (Feet) To permit a building height of 44.2 feet, where a maximum building height of 35 feet is permitted.

In connection with the preliminary and final major site plan approval related to the Project, the Applicant is seeking the following variances pursuant to N.J.S.A. 40:55D-70(c), from the Ordinance, and/or waivers / exceptions from the Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, as follows:

1. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Minimum Rear Yard Setback To permit a rear yard setback (measured to the

Garden State Parkway right-of-way) of 4.5 feet, where a minimum rear yard setback of 40 feet is required.

2. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Minimum Side Yard Setback To permit a side yard setback of 12.2 feet (along Hazel Street (CR702)), where a minimum side yard setback of 20 feet is required.

3. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Minimum Combined Side Yard Setback To permit a combined side yard setback of 33.2 feet (12.2' as measured from Hazel Street (CR702) and 21.0' as measured from the property line adjoining Block 16.11, Lot 17), where a minimum combined side yard setback of 40 feet is required.

4. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Maximum Lot Coverage To permit a maximum lot coverage of 29.3%, where a maximum lot coverage of 25% is permitted.

5. From Section 461-13, Attachment 1 "Schedule of Regulations as to Bulk, Height and Other Requirements Residential Zone" Maximum Building Height (Stories) To permit a building of 4 stories (3 stories of residential over parking), where a maximum of 3 stories is permitted.

6. From Section 461-60.1.A, "Requirements for off-street parking and loading spaces" – To permit 93 parking spaces to be provided, and where 150 parking spaces are required under the Ordinance.

7. From Residential Site Improvement Standards (RSIS), N.J.A.C. 5:21-4.14, "Parking: number of spaces" To permit 93 parking spaces (including 5 ADA spaces) to be provided, where 104 parking spaces are required.

While the Applicant believes that except as stated above, the application is in conformance with the Ordinance, the Applicant recognizes that the Property has multiple street frontages along Hazel Street, West Third Street, Seventh Avenue, West Fourth Street, and the Garden State Parkway, and it may be determined during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing, that the Property has multiple front yards. In the event that it is determined that the Property has multiple front yards, the application may require additional variances from the Ordinance for minimum front yard setback (minimum of 25 feet required), minimum rear yard setback (minimum of 40 feet required), and/or minimum side yard setback (each, minimum of 20 feet required; combined/both, minimum of 40 feet required). If it is determined that the application requires such

additional minimum front yard setback(s), minimum rear yard setback(s), and/or minimum side yard setback(s) the Applicant is hereby requesting same as part of the application.

The Applicant also requests any other approvals, waivers, variances, deviations and/or exceptions from the Ordinance, the City of Clifton General Ordinances, and/or RSIS as may be determined to be required for the Project during the review and processing of the application and/or based upon an analysis of the plans and testimony at the public hearing.

Meryl A. G. Gonchar, Esq., of Sills Cummis & Gross P.C., with offices at One Riverfront Plaza, Newark, New Jersey; and Frank A. Carlet, Esq., of Carlet Garrison Klein & Zaretsky, with offices at 1135 Clifton Avenue, Clifton, New Jersey, appeared as co-counsel on behalf of the applicant. Present on behalf of the applicant and sworn to give testimony were the following: Frank J. Minervini, AIA, MVMK Architecture, 360 14th Street, Hoboken, New Jersey, architect; Matthew Zwingraf of CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey, civil engineer; Matthew J. Seckler, PE, PP, PTOE, of Stonefield Engineering, 92 Park Avenue, Rutherford, New Jersey, traffic engineer; and Paul Grygiel, AICP, PP, Phillips Preiss, 70 Hudson Street, Hoboken, New Jersey, professional planner.

Also present were the following interested parties: Rich Fairless, 30 Edward Court; Cecilia Moreno, 8 Louis Drive; Glenn Bedford, 23 Louis Drive; Raymond Berrios, 12 Jerome Drive; Annette Karlsson, 31 Jerome Drive; Elaine Rivera, 19 Louis Drive; and Alessia Eramo, 35 Merrill Road, all of the City of Clifton, New Jersey.

The applicant's attorney, Meryl A.G. Gonchar, Esq., stated that the applicant proposed to demolish and remove all existing on-site improvements and proposes to construct a 4-story mid-rise multi-family residential building containing 60 dwelling units with resident amenities, on-site uncovered and covered parking, concrete curbing and sidewalk improvements, paving and striping, trash enclosure, grading and drainage improvements, underground utilities with new connections, site lighting, landscaping, directional and building identification signage, and electric vehicle charging stations; that the applicant proposes 15 one-bedroom units, 12 one-bedroom units with den, 27 two-bedroom units, and 6 two-bedroom units with den; that the applicant is requesting preliminary and final major site plan approval, minor subdivision approval to consolidate two lots; a D1 use variance; a D5 density variance; D6 height variance; and bulk variances for rear yard setback, side yard setback, lot coverage, building height, parking space, front yard parking, and front yard parking area.

Matthew Zwingraf was qualified as an expert in engineering and testified as to the preliminary and final site plan exhibit, indicating the existing site which was marked A-1 into evidence.

Mr. Zwingraf continued to testify that the proposal for 60 dwelling units with parking layout, site plan, location of buildings and setbacks; that the current building on-site is a non-conforming use, and the applicant proposes to replace the same with a residential use; that the parking spaces are 9- by 19-feet in size, and the applicant is proposing 93 spaces where the RSIS standard requires 104 spaces. Said exhibit was marked into evidence as "A-2."

Mr. Zwingraf continued to testify as to access to the site off of Seventh Avenue and circulation within the site; that there are two lots, Lot 1 consists of 1.647 acres and Lot 2 consists of approximately .08 acres which the applicant intends to merge and create one single lot for a total lot area of 1.727 acres; that the applicant is seeking C variances for rear yard setback where 4.5 feet is proposed and 40 feet is required; side yard setback where 12.2 feet is proposed and 20 feet is required; lot coverage where 29.3% proposed and 25% is permitted; building height stories 4 stories proposed, 3 stories are permitted; parking spaces, 93 spaces proposed, 104 RSIS spaces are required; front yard parking area is provided which is prohibited; and the applicant proposes electric vehicle charging spots.

Marked for identification was "A-3" which is potential parking lot expansion.

There were a number of objectors who were concerned with fire safety; fire apparatus access on the side of the building; access to the site and location of fire hydrants; parking and where visitors to the site will park.

The Board is in receipt of the following reports: Neglia Engineering dated May 2, 2022; Graviano & Gillis architects & planners dated May 5, 2022; and Clifton Fire Department dated May 9, 2022.

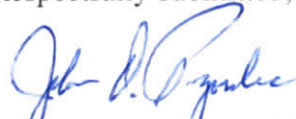
Chrmn Zecchino, along with other members of the Board, stated that the proposal to redevelop the site is acceptable, however, the number of units requested along with the lack of parking appears to be excessive in view of the fact that the site will be cleared of the structures that presently occupy same.

At this point in the hearing, Attorney Gonchar requested that the matter be continued to a special meeting in order for the applicant to go back to the drawing board and change the plans in light of the comments from the members of the Board and the interested parties.

Thereupon, the matter was continued by the Board to a special meeting on June 22, 2022.

There being no further business before the Board, Comr George Foukas moved to adjourn. The motion was seconded by Vice-Chrmn Gerard Scorziello with the unanimous approval of the entire Board.

Respectfully submitted,



JOHN D. POGORELEC
COUNSEL SECRETARY